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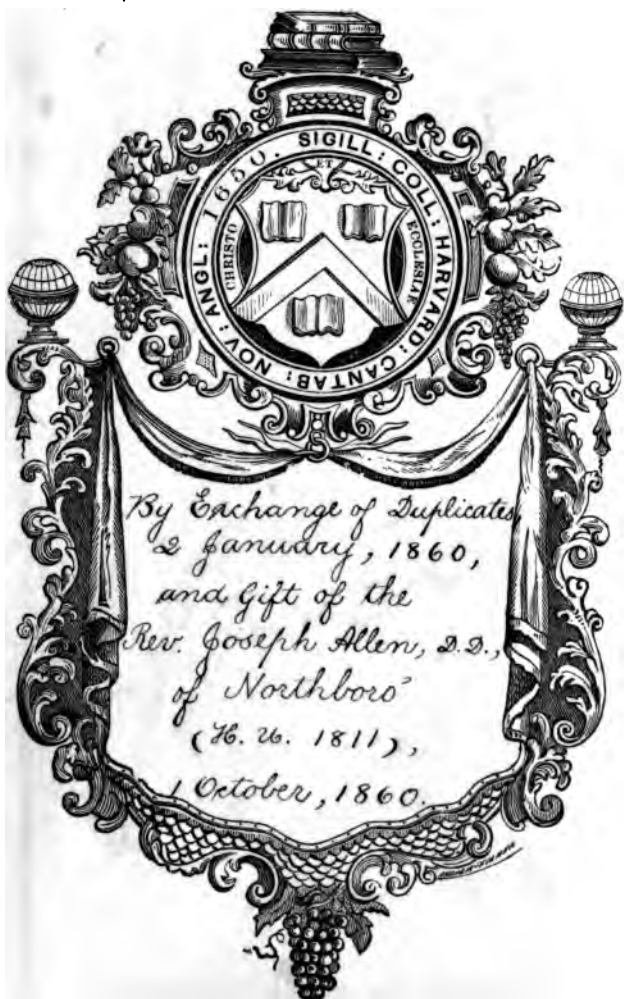
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## Contents.

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1. See Opposite

2.

etc.

*The Fugitive Slave Bill,  
New-York. 1850.*

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**THOUGHTS**

**ON THE**

**FUGITIVE SLAVE LAW**

**AND**

**NEBRASKA BILL,**

**BY**

**HARMON KINGSBURY.**

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**NEW-YORK.**

**PRINTED FOR THE AUTHOR.**

1855.

THE POSITIVE SLAVE LAW AND KANSAS BILL, ARE STERN  
to God and piratical in man—an onslaught upon the race by a  
big, unnecessary force—the business of slavery, of which God  
“He that stealeth a man, and selleth him, or if he be found  
hand, he shall surely be put to death.” Ex. xxi. 16. This is  
not at the law of being, but of the Deedman, with God’s p  
sanctioned, eternal and immutable in its nature, universal in  
application, and necessary to the protection, the elevation, of  
happiness of all.

The insatiable maw of Slavery, like the horse-leech, cries,  
Give! It never has been, is not, and never can be satisfied.  
Division of it, root and branch, prompt and manly, and at any  
blood or treasure, is the cheapest and the best way to get rid  
because it is God’s way: and the state of things in Nebraska  
imperiously to demand it. See an Act “to punish offences a  
SLAVE TRAFFIC,” passed by the Legislature, which took off  
the 15th of September, 1855, in which the penalty of de  
affixed to five out of the thirteen sections. By this Act, and  
relating to this matter, it is difficult to see how any one open  
Slavery can with safety flee in or pass through the terrible  
Kansas.

The following thoughts were hastily written, as the notes  
immediately after the passage of the Slave Law and the No  
Bill, and are, from greatly impaired eyesight, offered to the  
without revision.

Sept. 9th, 1855.

1860, Jan. 2.  
By Exchange of Dupl.

US 5289.44.

THE

## FUGITIVE SLAVE LAW.

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We are ashamed of most of our ethical writers on this subject, whether they be "Doctors of Divinity," Professors of Biblical Science and Literature, Editors of Religious Periodicals, or those in more humble walks. There is now and then, doubtless, one who has done his duty, his whole duty, but we have not known of a single such effort, neither before nor since the publication of our views, as expressed in the articles appended.

**Protect and Succor the Fugitive, and Liberate  
the Enslaved.**

God abhors oppression; He hears the groanings of the slave, and has promised to deliver him, Ex. vi. 5. And He expects the help of His servants in this matter; hence He says, "Deliver him that is spoiled, out of the hand of the oppressor;"—if they do not, His fury will burn against them, Jer. xxi. 12. Must we deliver him? Yes; you and every body else who sees him. But how? By persuasive means if you can; by physical if you *must*—and have the power—the man is to be free—ALL MEN. No one is at liberty to deliver unto his master the servant that has escaped unto him, Deu. xxiii. 15, 16. No, he shall not deliver him up, but shall show him mercy, Mic. vi. 8; and do unto, and for him, as, in like circumstances, he would be dealt by, Mat. vii. 12. These commands are imperative; and, if not obeyed, nor mercy shown to the imploring, panting, fainting fugitive, woe be unto the delinquent, James ii. 13. And how can the love of God dwell in the man whose bowels of compassion are closed against the

defenseless ones? 1 John, iii. 17. When a man sees another defraud a brother, it is his duty to prevent it, 1 Thes. iv. 6; and, if we love our neighbor as ourselves, as commanded to do, we shall do it if we can, Liv. xix. 34; Mat. xxii. 39. We must feed, clothe and shelter him; and give liberty and comfort too, if he ask them at our hand, Mat. v. 42; Luke vi. 30; give *every* needed blessing; for all that is thus done, or not done, is done, or not done unto Christ, Mat. xxv. 34-46. The poor slave is to be *pitied* as well as loved, 1 Peter iii. 8. Their burdens also are to be borne, Gal. vi. 2; and they are to be *entertained* while among us, Heb. xiii. 2. We are to remember those in bonds, and sympathize with them, Heb. xiii. 3; and they are to dwell with us, if, and where they choose, Deu. xxiii. 16.

God has proclaimed liberty to the poor and fatherless, saying, deliver them; rid them out of the hand of the wicked. Yes, wherever a slave is seen, God has demanded for him the aid of every *other* man, that he may be delivered from his bondage. It is not enough that we should withhold aid for his recapture, if escaped. We are to *rid him out of the hands* of his cruel, covetous master; if still he be in slavery, Ps. lxxxii. 2-4. Yes, if he is in the house of bondage, it is our duty to fly to his relief, throw off his burdens, "break every yoke and let the oppressed go free," as we have seen. If any refuse or neglect, they must suffer for it, Jer. xxxiv. 16-20.

No one is at liberty to stand still—do nothing, in this matter. No, not until every slave is free—well fed, well clothed, well instructed, and made comfortable, Is. lviii. 1-12. No man has a right to rest till all this has been done, cost what of tears, of treasure, and of blood even, it may. And, when each and all have done the work, for God speaks as though it could, as well as should be done, then, and not till then, will He bless us, as individuals, and as a nation.

No slave is to be turned from our door, or shut from

our sympathy; or allowed to be taken back into bondage. And no slave is to remain in bondage, in this nation, while it has the power to liberate him. Then let this be our motto, never to be dishonored or departed from—**LIBERTY TO ALL, now and forever.** Christ came to proclaim this to all, Is. lxi. 1, and as the slave, by this royal edict, is free, it becomes the duty of all the subjects of God's moral government to engage in the work of emancipation. Every such man is held responsible for his part in accomplishing that work.

And men, *all* men who stop their ears to the cry of these oppressed brethren, shall cry themselves and not be heard, Pr. xxi. 13. All who forbear to deliver them that are drawn unto death, and are ready to be slain, God will judge, Pr. xxiv. 11, 12. Men, in such circumstances, *cannot* be inactive, or dumb, without incurring the righteous displeasure of the God of the oppressed. They *must* open their mouth for the dumb, Pr. xxxi. 8, 9.

The injured slave must and *will* be set at liberty—God's heart is upon it; for he is God's property, Ezk. xviii. 4, and while claimed and held by another, cannot serve him, Mat. vi. 24. God commands *all* to serve him, but how shall they do this while in chains, and how shall they break these chains without the aid of freemen?

We should have no fellowship with slave-holders, 1 Cor. v. 11; nor with the unfruitful works of darkness, but must reprove them, Eph. v. 11. We must not participate in the sin of slavery, in *any* manner, but must *rebuke* the oppressor, and not suffer him to hold on to this sin, Lev. xix. 17. If he will not listen and let go his grasp; it is our duty to *tear* from him the victim, ere slavery shall destroy both himself and his prey, body and soul, for time and eternity.

By these and many other texts it is clearly shown, that no man has a right to hold another in bondage; nor has this nation a right to continue the system of oppression, since it has the power to abolish it physically, if not per-



suasively. Humanity, the old and the new Testament, demand its speedy abolition.

No one has a right to consent to the continuance of slavery. No matter what the Federal compact may be—what the Constitution of the United States may be, if they sustain, or even wink at this iniquity. It must be put away. No compact, no constitution, no human enactments are binding upon man when they thus contravene the law of heaven. No, both slave and freeman, if the compact, the constitution, or State enactments create or allow such oppression, such degradation and insult, *are bound to disregard them, to demolish them at once*,—every man in the nation, in the world, is under obligation to condemn and repudiate them.

Indeed, we of the free States may as well, singly, or collectively, hold partnership with a band of man-robbers—of pirates from Koordistan, or money-robbers of Mexico, as a band of men and money-robbers of the slave States—robbing “of life, liberty and the pursuit of happiness”—of the privilege of preparing for and striving to enter Heaven. Ecc. v. 8.

It is time the Church, and State too, should understand this thing as it is. Every Christian must and will separate himself from this dilemma. Every free State should, *forthwith*, demand of the slave States an immediate and total abandonment of the accursed system. If this cannot be secured, it is unquestionably the duty of the North to aid such of the South as are opposed to slavery, in blotting from our statute books the statutes claimed as countenancing or upholding it, or unite with, or without them in *revolutionizing*. We cannot in safety, or in honor to ourselves, remain any longer in this unholy partnership with the South in the most daring crime ever perpetrated by man; and so long as slavery exists, and the union continues, we are in fact the abettors of that crime. The South, if never before, have now forced us, every man,

woman and child, of the North, into this relation, and we cannot escape it but by abolishment of the system, or revolution; one of which, let us pray God to help us to accomplish. As to the late Fugitive act, *it is null and void*, from the fact that it contravenes the Divine law. And no man has a *right* to obey it, Acts, iv. 19.

It is true that many have done nobly as far as they have gone, but a mere negative obedience on religion, when the people have both the moral and physical power to accompany their obedience with an aggressive movement against the powers of darkness, is not only insufficient, but abhorrent, both to God and to every thoroughly instructed Christian.

It is not enough, as some have contended, that when an unrighteous statute has been enacted we should merely refuse to obey it, if the laws of God require us to do something which would, of itself, be disobedience to it—Daniel and all the Hebrew youths might have refused to pray to an earthly king, and still have disobeyed the Heavenly King, for He had required their public service and adoration. This example of Daniel may be useful to us in these days. It is recorded in Daniel, 6 chap. and is a remarkable story. Daniel was a good man in the midst of a wicked people, and the servant of an idolatrous king. But he was without fault, and had been elevated to the second office in the kingdom by Darius, the Mede, the conqueror of the Chaldeans under Belshazzar. Darius put over his empire a hundred and twenty princes, and over these, three presidents, of whom Daniel was first. Now this was too much for the wicked princes and the other presidents to endure. But what was to be done? They could make no just complaint to the King against him. So they did just what wicked men in all ages have done, and have *now* done, here in the Fugitive Slave Law, concocted a decree such as he would be compelled to break and thereby become obnoxious to human penalties, or by obeying it, be

forced to break a Divine Law, and incur a Divine penalty: and the Decree went forth, a Decree of the Medes and Persians which cannot be changed, that for thirty days prayer should be made to Darius, the king, alone, on pain of death. Dan. vi. 4-9. This Decree was obtained by means of a lie, as are all others like it, and founded on false premises or conclusions. Now when Daniel knew that the writing was signed, he went into his house as usual, and with open windows, as if to pour contempt upon such an infamous act, and all who had been active in procuring it, he prayed three times a day to his God; as these wicked men expected, and were watching to detect him in doing. They found him in the very act, and accused him to the King. Soon Daniel was in a den of hungry lions.

This good man, by the decree above mentioned, was required to do two things, neither of which were well pleasing to him—first, he was required to pray to a mere man, like himself, although not half so wise or benevolent; and second, he must neglect to pray to the Infinite, The I AM—Here something more than passive submission was required. But Daniel knew how to dispose of such a case. There was no secrecy with him, no hesitancy, no crouching before his own and God's enemies in this matter. His duty was plain. His God, alone, was to be served as usual, king or no king, presidents or no presidents, princes, governors, counsellors, captains, and the strongest kingdom on earth, with its irrepealable statutes, notwithstanding: and God took care of the rest. Christians, then in this nation, have only to do to the poor fugitive as God requires, just as if our Congress had said nothing upon the subject, and my word for it, the enemies of the poor slave will themselves, as a punishment for their wickedness, sink into a deeper pit, filled with more hungry, remorseless, unrestrained devourers than was the Den of Lions. God has suffered this to try his people, to see how many Daniels there are in the world. Who then will move on, in their

usual way, in the service of God, and reap Daniel's reward; or who will draw back abashed, unto perdition; suffering the innocent to cry and not be heard, or be delivered by them?

There is another feature in this history, worthy of especial notice, (v. 10,) Daniel not only prayed three times a day, but "gave thanks before his God," doubtless for the privilege of persecution for righteousness' sake. Yes, it was a glorious thought to him that the time had come when he could, by his firm and steady adherence to the worship of his God, in the face even of death, reciprocate the testimony God had given, that he was one of his dutiful sons for whom he had a special regard. It was never a question with Daniel whether God would or would not deliver him from the power of the lions. No. Is it right to serve God? Is prayer and thanksgiving acceptable to, and required of him? That was enough for him to ask, and if there had been twenty others like him in the same circumstances, the question never would have occurred to them whether, if they should resist the unrighteous statute, it would not be accounted treasonable, and their combined action the violence of a mob!

Now here is an injunction from Congress ordering us to help catch and return fugitives to bondage. Many go so far as to say "this we cannot, will not do," and so far as they go they are right. Congress says we shall neither feed, clothe nor shelter them. A few say, "we will do it!" and here, so far as we know, all stop, and justify themselves by saying we must not "resist the ordinance of God." If it were "an ordinance of God" we would stop there too, but it is no such thing. Never was there an ordinance which bore more manifest marks of the devil than this! When acting in accordance with the law and will of God, human governments are never in a single instance, nor for a single moment, to be resisted; but when such government is manifestly opposed to the government

of God, resistance always, and in every case, is the duty of a people who have the *power*, moral or physical, to maintain it. For what is the object of civil governments but to prevent evil, and to incite to every good, in aid of the Law whose penalty is not seen? Civil government is as much an ordinance and instrument of God, to accomplish his will, as ecclesiastical. But when either becomes an engine of evil, it is the duty of all the friends of God to get rid of it as soon as possible. Resist a bad statute of a *body* of men, as you would the bad act of a *single* man, by persuasion if you can, by physical force if you have the power, and the evil cannot be prevented without it. God's main object in civil government seems to have been, by good instruction and physical means, to prevent injustice, fraud, oppression and unholy violence: how is it, then, that when they cease to accomplish the end of their organization we may not overthrow them, if they cannot be reformed? They are not of God when they do not his will. Their officers, and all that pertain to them are, or should be, good men, for "they are God's ministers for good:" when they cease to do good, then away with them! Satan seems to have monopolized to himself and his purposes, all human or civil governments and legislation; and the church as a body, among whom are D. D's without number. Theological professors and others seem not only to acquiesce in it, but claim for him and them a flag of the Almighty, under which their emissaries can sail, viz. that these organizations and civil bodies are from him, and that men, all men, are bound to submit to, obey and respect them, while they fasten to our necks the yoke of the devil, and drive us on, no matter how furiously, toward perdition.

What deep degradation, what treason to the rightful Governor of the Universe is all this, when God claims both the government of the Church and of the State! But the devil and his emissaries claimed long ago the

government of the latter, and say, "No, help yourselves if you can *by the church*, but *our laws* must be enforced." Let *them* alone, obey *them*, or we will put *you* into the furnace and the lion's den. Just as if they had a right to enact statutes for the control of men, and enforce them. Nay, verily, it is time for a revolution in public sentiment, for what have wicked men to do with declaring or nullifying God's statutes? Ps. l. 16.

It may not always be easy to determine when a human enactment does contravene the divine. In such cases, it may be the wisest course, passively to submit. But in this FUGITIVE SLAVE LAW there can be no such doubt. God has said in so many words, you shall not deliver up the man! Congress says you shall! God says that you shall deliver him that is spoiled, from the hand of the oppressor. THIS IS THE STEP IN ADVANCE, for which we are contending—and this nation is able to take it, in every instance, where such a "spoiled" one is found. Yes, and by peaceable means. Let all the church assemblies, and every philanthropist, say it must and shall be done, and it is done: in a single year, if not in a single month, and God knows it; and will hold his people responsible for its performance. Yes, there is power enough for this at the North, and it ought to be exerted, for we ought not to fellowship or for an hour stand in religious or political connection with a people so lost to virtue, to humanity and to justice, as to hold a fellow creature in slavery. The devil never achieved a greater victory since the fall, than when he got one man, one subject of God's moral government into the hands of another, to be converted, body, soul and intellect, to his own use. This stolen man, recollect, is the property of God, and the oppressor is running away with him, to render it worthless to one's self, to the community, to the world and to God. Suppose now, three or five other subjects of God, obedient if you please, stood by, and could rescue the stolen man, would not God have them do

it? Certainly he would—and he has commanded them to do it, and as quickly and as certainly as he would have them, if the poor victim were in the power of a tiger, an elephant, a lion. The oppressor is doing the work of the devil—God would have the man freed from his grasp, no matter who or how many had set him at this diabolical work of death; for all oppressors are of their father, the devil, and God will treat them as such. It is, therefore, as much the duty of the men of this nation to release the victim, and feed and clothe him, as it is to pray and labor for our daily bread, and the man who refuses or neglects to do it, when able, will have sinned against Humanity, and against God.

*Cleveland, O. Oct. 7, 1850.*

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## THE NEBRASKA BILL.

*The Supreme Law; Slave Codes; Nebraska Bill; Compromises; Douglas; "The Clergy," &c. &c. or, General Rules of Conduct necessarily resulting from the operation of the Natural Law.*

1. The SUPREME LAW is the constitutional, fundamental, immutable, eternal, self-existent order of existences; an indispensable element of Deity in perfection. In accordance with this law, or order of being, intelligent, as well as irrational beings were created, each in his and its proper sphere and element, and in the most perfect adaptation to this law, by which they are to be controlled and governed; so that each and all the thousand demands of their diversified natures find in it a speedy, answering echo. Each, in his and its appropriate place, living and

acting fully up to the law of his and its being, must, of necessity, as God is perfect, be perfectly healthful, useful, and happy; while turning aside in a single or the smallest iota would introduce disorder, to be followed by disaster, if not utter destruction; and, according to this, God's constitution of things, or order of being, there is *no other* order, law, or commandment than what we have in this natural, providential law, accompanied with his revealed will in the Bible, that will answer as well. There is and can be no other law or order binding on angel or man, and the lower order of creation. There is no being in the Universe but the Jehovah, the I AM, who is competent to give laws for the government of man, as all readily admit *his* right and ability only, in the control of other objects of being in this world; and God has never given to man or angel the right, any more than he has the capacity, from want of power, wisdom, integrity, benevolence, justice, &c. &c. to enact rules for the government of an individual man, or angel, or a company of either. God himself has done all this, and man is only to enforce obedience; first, by moral, second, by physical means, to the natural, which is the Moral Law. Acting in accordance with his law, or order, constitutes holiness; acting contrary to it, constitutes sin; for one is a falling in with the order of Nature, and moving on harmoniously with it, while the other is rebellion and opposition. Consequently man's duty is to know the laws of his being, mental, moral, and physical, and to live in exact conformity therewith; and, in the search after this knowledge, the demands of his nature, the Book of Nature, the Providences of God, and the Volume of Inspired Truth, the BIBLE, GOD'S COMMENTARY OF NATURAL LAW, alone, are to be consulted. Man has neither the right nor the ability to interfere in the matter. Each, as he is to act for himself, for this life and the life to come; and as he is to be judged, here and hereafter, by the rule of obedience or disobedience



to this Natural Law, this order, or Constitution of Existences, is to decide for himself whether he will or not obey *this* law of his being. Not whether he will or will not obey what a *mightier man*, or *body of men*, shall say he must obey. God's commentary, in the Bible, of this law, teaches man how man is to be governed, viz. by motives and by such a magistracy as He has commanded them to choose, and in accordance with the demands of this Natural Law—this Law of his being, as shadowed forth in the Decalogue and in man's nature.

2. Now every SLAVE CODE, ALL COMPROMISES in favor of slavery, every NEBRASKA BILL—all these are but so many conspiracies against the Being and Government of God, but piracies against man, as man; which according to God's commentary should be punished with death. "He that stealeth a man, and selleth him, or if he be found in his hand, he shall surely be put to death." Ex. xxi. 16. And it is not necessary that a man should be the *first* aggressor to constitute the theft; for, as the man who hates his brother, or only *hurts* him, in feeling or otherwise, is a murderer, Ex. xx. 13, so is the man who aids or abets, in any way, human slavery—the *thief* to "be put to death." Whether the attack be by an individual, or a collective body of men, is immaterial. God would have the aggrieved, in the outset, while they might possess the power, rid the world of such pirates, be they few or many, high or low, rich or poor, bond or free, white or black. And if a bystander sees an injured brother thus in the power of a superior force, (always excepting the outlaw, who himself has forfeited the protection of society by his depredations upon it,) it is not only his privilege, but his duty, to fly to his aid, and rid him out of the hands of the oppressor. Ps. lxxxii. 2-4. Hitherto, in this country, we have resorted to argument and entreaty mainly, which have produced only a public conscience to justify an application to the evil of *physical* means.

8. Had SENATOR DOUGLAS, and all who have aided in extending the area of slavery, or tightening the chains of the bondman, lived in Moses' time, or under any other period of the Theocracy, they would have forthwith suffered, as the desert of their crime, the forfeiture of their lives. For no man, and no body of men, has a right to infringe the liberties, the God-given liberties, of his fellows; and this nation need no longer boast of her liberties, or her *Christian creeds* and institutions, while she, by her practice, repudiates both, and dethrones Deity himself, so far as her act can do it. No, shame on the professor or non-professor of Christianity, while he steals the body and soul of Christ, and trades in them, since doing it to one of the least of his brethren is doing it to Him, and since he will not be moved by entreaty and argument, let the *penalty* fall upon him.

4. THE "CLERGY," who remonstrated (we mean the *ministers* of the Gospel of Jesus Christ) against this nefarious attack upon the human race, have been as boldly, impiously, and unceremoniously assailed as was Israel by Goliath in his defiance of the armies of God. These ministers, *all* who oppose the forces of satan, are the ministers of God; and all who oppose God and injure his property are the ministers of satan. The former only can conquer, while all those who refuse "to deal justly, love mercy, and walk humbly with God," must "perish." And citizenship secures to these good men the right of franchise in the government where they live; and it is as ridiculous as it is foolish and despicable, for satan or his hosts, who are so soon to fall, to deny to them the right which belongs, legitimately, *only to them*. For the Kingdom of Darkness lives only on sufferance.

It is often said that the ministry of the blessed Gospel of Christ have no right to meddle with politics; but who have a right to be politicians, and to define what are

politics, the science of government, or how many governments are there? Two only—God's and the devil's; and there are two kinds of politicians—God's and the devil's; and there are two codes of precepts—God's code and the devil's. Now everybody must see that God's men, his politicians, have not only the right, but are the only persons allowed to meddle with His politics. See Ps. l. 16. "But unto the wicked God saith, WHAT HAST THOU TO DO TO DECLARE MY STATUTES, OR THAT THOU SHOULDEST TAKE MY COVENANT IN THY MOUTH? SEEING THOU HATEST INSTRUCTION, AND CASTEST MY WORDS BEHIND THEE." Also xviii. 22; as if he had said, "Stand back and hold thy peace, thou presumptuous wretch, who castest my word behind thee, stealest men, and other things, or consentest to it; who art an adulterer, speaking evil and framing deceit. But *those who obey me, they may administer laws.*" Then, again, we are commanded to "choose able men, such as fear God, men of truth, hating covetousness," Ex. xviii. 21, to administer God's laws. Now wicked men, the devil's politicians, will not choose such men, for that would be to abandon their leader, consequently they have nothing to do with taking God's law into their mouth. They are God's enemies, to be torn in pieces except they repent and turn to God. So we see, if we are under the dominion of the devil, the devil's work is to be done, and let his politicians do it, for there is no affinity of feeling or action between them and a holy, just God and his laws; consequently they have nothing to do or say about it. But if we are under the dominion of God, and would be governed by His laws, then the better the man, the nearer he comes to the requisite qualifications for a useful, successful politician and ruler. No matter whether he be a public or private preacher, if he is only on God's side, and will take God's law, instead of the devil's, as his guide. If we are under the devil's government, and the rule by which we are to govern is *his* will,

then it is true, holy and good men have nothing to do with such politics, only to remonstrate against them. This they may and will do, clamor or no clamor.

Again, MORAL AND POLITICAL SUBJECTS: are they alike topics upon which the Pulpit has a right, or is in duty bound to speak? Is examining the political bearings of a matter as legitimate an exercise as pointing out the moral? We mean taking the true sense of the terms. Must the minister know nothing, and say in his pulpit nothing about political tactics, intrigues, actions, good or bad? *It is the duty of the ministry* to watch the actions of the people in this respect as well as in any other. They must not only *know* what is right and what is wrong action, but have the mind, the courage, and the ability to tell it to the people. IS SLAVERY WRONG? Are its effects upon society hurtful? Then why not speak of the wrong not only, but of its effects, which in some minds would have more influence than to tell them. God in his word says it is wrong, just as we tell a man that adultery, robbery, murder, theft, are wrong. Ministers have as good a right to preach about the "political" (by the way, a factitious, arbitrary distinction, not recognized in the Bible) bearings of slavery as they have of the political bearings of idolatry, profanity, Sabbath-breaking, disrespect to parents, or any other evil. They not only have the right, but it is a part of their work, to tell the people what effect their conduct will have upon all their relations in *this* life, and *that* which is to come. They, to be sure, have no right, neither has anybody else the right *anywhere* to get into a wrangle for party purposes, and for the elevation of one good man instead of another good man, but they have the right to belong to a party—the party God belongs to—and to insist upon the appointment or election of the very best man of that party TO ADMINISTER HIS LAWS AND GOVERNMENT; and they should tell the people, in the pulpit and out of it, as Moses and other

Bible Christians did, not excepting Christ himself, to obey all God's commandments, specifying one by one. The Bible is full of warnings and denunciations, predicated upon the doing of certain forbidden things; yes, and full of expostulations and entreaties, not to transgress this or that command of God, not only on account of the influence it will have on the delinquent, but on community at large, and also on account of the judgments of heaven, which are sure to fall on a people for such transgression. Consequently, "the watchmen should cry aloud, and spare not; lift up their voice like a trumpet." But if they neglect this plain imperative duty—become "as dumb dogs that will not bark,"—the blood of all the slain will be required at their hand. Isa. lvi. 9-12; Ezk. iii. 17-21, &c.; Ezk. xviii. 5-18. No one will contend that, in these instances, there were no political bearings discussed. Yes, tell the people what effect it would have if they should elect bad men; and the people everywhere, and by everybody, should be made to see these things; and who can do it *better* than a good, holy minister? And what place so good as the pulpit for this purpose, when the people are sober, thoughtful, listening to hear what God has said about such things; and whether facts, observation, and experience show his words to have been true? Where has the Bible spoken against this mode of preaching, thus presenting truth consecrated by prayer and praise? Where has the Bible encouraged men to be so fastidious about preaching politics? We mean the *morals*, the *politics*, the *religion* of the Bible. What is religion, but "to do justly, to love mercy, and to walk humbly with God?" And who can preach about all this and not preach politics, or rather who can separate Bible politics from the other things? Morals and religion, and all our politics, should be as good and holy as we find in *its* pages; but they never will be, so long as the foolish and false notion prevails that ministers have

nothing to do with politics, especially in the pulpit. The fact is, no minister ever did preach the Gospel, as God would have it preached, who did not preach as much and as weighty politics as the people might practice. Indeed, no man can preach the truth who does not preach (as the Bible does) as much *politics* as he does *morality* and *religion*—all, by God's dictionary, being correlative terms. There is but one Gospel to be preached, and that pertains to all the thoughts, words, actions, conditions, and relations of every man, in every age and nation, and under every circumstance of life. It consists of precept and promises, rewards and punishments. While it requires explicit and prompt belief of what God has said, it allows and requires us to look at his providences, the effects of action, and weigh consequences; and no man can do all this without having to do as much with politics as with ethics. So much for the outcry against "THE CLERGY," the Ministers of Christ.

5. Let us now pass to another portion of our subject. ALL CONVENTIONS AND INDIVIDUALS may, and should, take this view—the only reasonable, scriptural one, of this matter—that AFRICANS ARE MEN, and as such have the right of self-defense, individually or collectively, alike in this country as in their native land; and that they have a right to expect of the white man the needful aid in defending them from all piratical attempts upon their persons and their property, so long as they demean themselves as good citizens. Their own resistance and that of others depending only upon the strength of the public conscience to protect them. If its dictates are disregarded, it will then depend solely on expediency, in view of the probabilities of success. If, in Africa, the man is pursued, the question with him may be, can I escape by flight or present resistance, or will my chances be better if I am passive now, and seek to escape by stealth, or by killing the capturer when others may have come to my

rescue? If he has confidence that all depends on flight or present resistance, he has a right, and is in duty bound to defend himself, and capture, confine, or slay, if possible, the assailant, (*both on account of his own protection and that of other men,*) warring against his species; and it is the duty of every other man, wherever he may rove, or exert an influence, to put himself and others on the defensive, and capture the assailant, and shut him up, as they would a ferocious beast, or at once hold him, while the informant, the first aggrieved party, shall complain and have him tried and executed, as in Jewish times; for the man-stealer—the slave-holder—has forfeited his life. This is necessary, else their number and influence will increase and endanger the life and safety of every other man. It is on this plan that nations, or people congregated, act, and so does all mere animal nature, moved by instinct, act; and so may, so ought, individual man to act; and the fleeing captive has the right of defense and protection in each and all his natural and acquired rights; and if they can be secured to him only by personal resistance, he may resist “even unto blood.” And others may with him strive together, until *his* and *their* enemies are overcome or slain, or the public conscience shall have insured protection for them.

6. It is, doubtless, THE DUTY OF THE NORTH AND THE SOUTH to side with the slave against his pursuer or master, putting the means of escape and self-defense into his hands; thus ridding him out of the hands of his destroyer. The sooner this is done the better, and this will be, to the friends of the race, a speedy, sure and safe way of ridding our country of “men-stealers.” Let every man enter his protest against this God-aborred and man-destroying piracy. Let hand join with hand, until a phalanx strong and broad enough be formed, to capture the slave-hunter the moment he sets his foot on free territory, and deliver him up to the escaping fugitive, to be dealt with according

to his deserts. As these traffickers IN HUMAN SOULS AND BODIES, make the presence of a colored man in slave territory, evidence of his chattelship, so let the friend of man make the presence of a slave hunter on *free soil*, evidence of his treasonable designs against the race, and that moment capture and punish him. And so also treat the "DOUGH FACES" of the North, when they turn traitors, at Washington, against human liberty. This would soon bring matters to an issue:—And though at first it might result in breaking up our Congress—in the loss of a few man-haters, perhaps a few United States soldiers, or even private citizens, *friends* of man, it would in the end be a great saving of blood and treasure—of national honor and national guilt. This would be seasonable, efficient aid to the captured ones, now in chains; this would encourage their friends to fly to their rescue, and lead them peaceably if they *could*, from their bondage to life and liberty again; but forcibly, if they *must*.

To all this the MAN-HATER may say, "we accept the terms, and will abide the issue. No Northern man shall again be President. No more territory shall be free territory. No laws for freedom shall hereafter be enacted by Congress. No more buying from, or trading with the North. TO THE KNIFE, TO THE STEEL, let us fly." Very well, may the friend of man say: We can better do without a PRESIDENT one term; for this contest would not last longer, than have a Man-Pirate to govern us. We can better spare the *territories* for temporary prostitution, for groans and degradation, than condemn all our *free states* with them, in the bargain, *forever*, to a like degradation and death. We need no enactments from Congress, nor from the Free States either, for, or against man, in this matter, for all this was done before Creation's work began. They were all written upon Man's nature, "in his members," his being, the first moment he had an existence. And it is nothing but Atheistical usurpation, folly and madness, in man to *legislate* for



the moral conduct of man. The magistracy may *adjudicate* as to the most appropriate penalties to ensure obedience to the NATURAL MORAL LAW. It is this claim *alone*, foolishly, thoughtlessly, or wickedly conceded, that prostrates one man at the feet of another, and makes him subordinate to the will of a pirate, a hierarchy, or a pope; enemies of God and man, that emboldens men to attempt to wrest from Jehovah's arm the authority and power vested only in himself. In other words, this is surrendering to the man-hater, and the man-stealer, "the man of sin," the great key to the fortress of human safety, human happiness, human glory. It is surrendering to the Kingdom of satan, so far as can be done by mortals, the Kingdom of God. It is saying in fact, we will not have God for our ruler, our law-giver, but the devil. But God's plans are not to be frustrated in this manner, abandon his cause whoever may. These treasonable movements shall all be overruled, and He will soon teach his friends that Congressional enactments to make men chattels, are as worthless, and just about as profitless as the sweeping tornado, prostrating everything before it—that all such enactments are to be treated as nullities by those who love Him who has said, "as ye would that men should do to you, do ye even so to them;" by those who hold to God's right to reign, and that with *his own* immutably just and eternal laws. Yes, the NEBRASKA BILL is to be regarded as not binding upon man; THE COMPROMISES, in favor of slave-catching, *are not to be kept*—the compromises of 1820, conceding the right to any man, to curse God's earth with the system of oppression—these, none of them are to be regarded as rules binding on man; for each and all of them are antagonistic to the Laws of his being, consequently cannot be from above, but from beneath; GOD NEVER GAVE TO MAN THE RIGHT NOR THE POWER TO LEGISLATE IN THE PREMISES. Man could not give it.

7. And this brings us to THE FOLLOWING, AMONG OTHER CONCLUSIONS, viz: that the slave holder, or catcher, is not a

friend of man, but A MAN-PIRATE, one who has forfeited his right to confidence and protection. That the man, or nation who apologizes for, or lends aid to support slavery, God abhors, and if he will not listen to remonstrance, would have removed from human society, if not from the earth; for He has said "the Nation and kingdom that will not serve his church shall perish." And destroying His subjects, or wresting them from His hands, cannot be serving Him—that all those who aid in thought, word or deed, in extending slave territory, slavery influences, are the ministers of satan, the subjects of the kingdom of darkness, because they are piratical upon their species—that all those, and those only are the friends of God and man, who concede to both their rights; the former in his property in man, and the right to his services, his obedience and affection, and the latter in his right to himself—his "life, liberty and the pursuit of happiness" in common with each, and all of his species. These, and these alone are the Ministers of God. What is a Minister? One sent to do the work, or will of another; a willing, obedient, interested agent—God's ministers are those who do *His* will. Man cannot make him such; God does not make him such against his will. But the moment he is "born again" he becomes a visible Minister of Christ, known as such by the company he keeps and the works he does. So with satan's ministers; they are known by the company *they* keep, and the works *they* do. There are but these two kingdoms, the kingdom of light, and the kingdom of darkness, in this world. Their interests and aims, and modes of procedure are, all the way, all the while different, and their end will be different. One would be under God's government and laws, the other would be under satan's government and the statutes instigated by him and enacted by *his* servants. But a change will take place, satan will not always be "the God of this world."

"THERE IS TO BE A MILLENNIUM," said a young convert

twenty years ago, "and here's for the millennium." May we not ask, who to-day is for the millennium; the emancipation of human chattels, in our country, all over the world? And who is for speedy and hearty return to God's government and law, that we perish not, nor longer walk in darkness, bondage and sin? Who will be good recruiting officers, to enroll men into the service of Christ, the last king, the mighty king of heaven and earth?

Who will stand sentinel, and cry, *piracy*, PIRACY, as the man-hater approaches? Who will "shoulder arms," if need be, to take him prisoner, or drive him back into "the den of thieves" of all devilism? Who will lead on to victory and to glory? Who? What is done must be done quickly, but manfully, that it need not be done over again. Moses slew the Egyptian oppressor, and although he had to flee, when strong enough, in due time, God sent him back; an evidence of his approval of the interference on the side of humanity.

8. THE SLAVE-FACTION have violated the National compact—the Constitution of the United States, by their oppressive enactments; "the fugitive slave law, the Nebraska Bill," &c. &c. so that the States no longer derive protection from that instrument. And all the compromises are gone, all the plighted faith is violated, and each State may and should now do as it individually believes the framers and acceptors of the Constitution meant it should and did teach. This will give the Free States the right to enforce its liberal sentiments and punish the slave-hunter whenever he shall be found pursuing the panting fugitive. No rights of the North are regarded by those slave holders.

BUT THE STATES HAVE THEIR MILITIA, which, at any time, they can call out to prevent any unrighteous encroachment by the standing army, or the Executive of the United States, which unjust or ambitious statesmen may contrive to oppress, or drive the States into disgraceful submission to any usurpation on their part, and the State

**must** defend themselves. They have also their reserved rights to fall back upon, and their Supreme Courts to enforce these rights; but if the States wont do it, individuals may—*must*. Why wait for Northern legislation. That could give no more right than we now possess. God gives the right. Self-preservation and defense are inherent principles in every man. He has the right to defend himself against men-haters, man-piracy; and it is the duty of all who see him assailed, to fly to his protection. If the Magistracy volunteers to add *its* influence and power, so much the better; but *all* can work without any further legislation from man. Human Legislators can add nothing by saying man is free and may defend himself.

We have strength enough. THE NATIONAL CONSTITUTION is with us, HUMANITY is with us, and GOD is with us. And all the PREDICTIONS of universal freedom and brotherhood encourage us. And why despair or longer wait? Despairing will do nothing but weaken,—delaying will endanger if not destroy the small vestige of liberty remaining among us. To action, prompt, efficient action, then, all ye who would not fall a prey to the man-piracy already organized and armed “to the teeth.” To-day we at the North are freemen. *We can protect and defend ourselves.* Persuasion of argument has been tried, and while this has aroused the enemy, it has not subdued him; and now, as in other reforms, we must “try what virtue there is in stones. Americans! friends of human rights, *your own* God-given rights are at stake: quit you like men. Be strong, and victory is sure.

*Mount Hermon, Staten Island, N. Y. June 1. 1854.*

### POSTSCRIPT.

Sept. 5th, 1855.

Sixteen months have elapsed since the above was written. The friends of liberty have deeply felt the wrong inflicted—have wept and prayed, warned, entreated, and remonstrated, but without redress. Their grievances have

increased; open war has been declared and commenced by the slave holder; free territory has been invaded and proclaimed exclusively for slavery; blood has already flowed in defense of the monster; and death and banishment are threatened to all who oppose them, or will not fight against free territory and human liberty. This war is against liberty, and for conquest and dominion; and shall we accept the challenge, and be free, or shrink from it, and be slaves?

Yes; their illegitimate, ruffian Legislature has, in solemn conclave, bid defiance to all right, has struck hands with the murderers' banditti—the slaveocracy—disfranchised the friends of liberty, and driven from Kansas the minister of the Lord Jesus, the judge, and the governor, who would not aid in carrying into execution their most dark, nefarious designs; and the Executive of these United States—the tool and abettor of slavery—refuses to interfere in behalf of the insulted and abused, although it did, at the call of these pirates, send the soldiery of the nation to Boston to protect them while perpetrating the foulest deed upon record—the capture of a panting fugitive—the unhumanizing a soul for which Christ died, and of which Christ has said, “Inasmuch as ye have done it to one of the least of these my brethren, ye have done it unto me.” Yes, all this and other like things have been done and suffered, and yet we have kept silence, as if to see to what diabolical length this Satan would lead these fiends in human shape. But longer silence and inaction will cease to be a virtue. What, compared with these were the wrongs of the Sultan and the Allies?—and what have they done?

1. WHAT THEN SHALL BE DONE? Let the spirit of '76 return and burn in the breast of every true American, South and North. Slave holders are not true Americans, but enemies of liberty, of human progress, human virtue, human rights.

2. Let there be **CONCORD**.

3. Let there be **UNITY**.

4. Let there be subordination, calmness, decision, firmness.

5. Let there be much prayer to the God of the oppressed; prayer begets hope, and courage, and perseverance.

6. Let every U. S. armory, arsenal, and fortress, with the standing army, be instantly secured for the defense and maintenance of those rights for which they were prepared by the federal government. This, at the North, can easily be done; those at the South perhaps more leisurely; they will not be so essential at the beginning.

7. Let every free State now be fully organized with whole-hearted freemen, both civilly and politically, watching and marking the tories and dough-facess; and in the morning saying to the non-phate, **STAND BACK; THESE LANDS ARE SACRED TO FREEDOM.**

8. When the organization is completed, and plans are matured, if the enemy has not capitulated—given up their prey—march on in the name and strength of the **Just One** to conquest and to victory. Till every man, woman, and child shall be restored to their rightful owner, and to the blessings of "life, liberty, and the pursuit of happiness." March rapidly, but surely. "**MAKE THEM SLOWLY.**"

9. Make no terms with, give no quarters to, the enemy; this would be treasonable to the King of kings—an abandonment of all we had gained—an elevation of the same privacy.

Blood and treasure are valuable, but they are being spent, and must be spent, in this struggle. The man-liner will not be vanquished without them; and the more and more promptly they are given, the less of them will be required.

To arms, then, friends of liberty; to arms, in defense

of the oppressed not only, but of yourselves, your sons and daughters—of this heaven-begotten confederacy and their inspired institutions, among which no vestige of human slavery ever existed.

To arms for the UNION—for FREE DISCUSSION—for ENLIGHTENED PATRIOTISM—for humanity and equality—for an ever-open Bible—for universal education—for a full and free salvation!

### DEFINITION OF SLAVERY.

August 31, 1855.

A slave is any *thing* that serves, as the body serves the mind—the horse his owner.—That which owns nothing—wills nothing—enjoys nothing, but what its owner may please to give it—that which is bought and sold—owned—possessed and driven about.—“Slaves (bodies) and souls of men.” Rev. xviii. 13. Here the Babylonians and the merchants of the earth dealt in, as merchandise, with other things—the bodies and souls of men. And **THIS IS SOUTHERN SLAVERY**, the only slavery that can exist. It is the service of a *thing* that may or may not possess reason, intelligence and conscience, but is not allowed to use them, only for and as the owner directs. Thus *man* who has a soul, and therefore cannot be a slave, must first be captured by stratagem; or a superior force, then must have the eyes of his mind plucked out, the faculties of reason and conscience deadened, or subdued into passive obedience to the will and sense of another, before he becomes a *thing* in such a sense as to be a slave, or if he retains any of the faculties of the soul unimpaired, he must *consent* to use them, except for the benefit or gratification of another. He must become like the body, serving the mind, or the horse his owner. But there was no such slavery of the Jews. Theirs was not slavery, for they owned themselves—their houses, flocks, wives and children. They were not bought and sold, and driven about like cattle. Nor was the servitude among the Jews, in the land of Canaan, anything like this; but was a reasonable, requited, limited servitude, appointed and approved by God, for that people only, and for this *dispensation*. See Jer. xxiv. But we cannot in the Christian dispensation plead for, or enjoy even that.

God never allowed, and never can allow of slavery. He allows man to own a *thing*, but never a fellow man, not for a moment; for man has a soul, and all *souls*, He says, “are mine”—meaning both body, mind and soul—all that pertains to humanity. The entire man belongs to him, and to no created being. And the denial, both in word and practice, of this fundamental Truth, **CONSTITUTES THE HARKING CRIME THAT MUST BE PUNISHED WITH DEATH**. Death in Jewish time, death in patriarchal and in Christian times. Slavery any where and every where, is a breach of the sixth commandment, whose penalty always was, and is, death.

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THE

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**Fugitive Slave Bill :**

ITS

**HISTORY AND UNCONSTITUTIONALITY ;**

WITH AN ACCOUNT OF THE

**SEIZURE AND ENSLAVEMENT**

OF

**JAMES HAMLET,**

AND HIS

**SUBSEQUENT RESTORATION TO LIBERTY.**

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**WILLIAM HARNED, 61 JOHN STREET.**

Price \$2 a hundred; single copies, 5 cents.

1850.



*Gift of  
Joseph Wilson, D.D.  
of Cambridge  
(Class of 1841.)*

## PREFACE.

OFFICE OF THE AMERICAN AND FOREIGN ANTI-SLAVERY SOCIETY, }  
61, John street, New-York, October 7, 1850. }

THIS Review of the infamous Bill recently passed by the Congress of the United States has been hastily prepared, with a view to meet the present exigency, and the author has freely availed himself of such helps as were at hand. A wide circulation should be given to the pamphlet. To enable the friends of freedom to accomplish this object, it will be sold by the thousand or hundred at the bare cost. They are earnestly entreated to have a copy put into the hands of every citizen in the Free States, and to have copious extracts made for the public press.

The Executive Committee of the Society believe that the heart of every anti-slavery individual will deeply sympathise with the panting fugitive. They trust that the dwelling of every citizen will be an asylum, or place of protection; and that in view of his extraordinary circumstances, and the approaching cold weather, clothing, and other necessary articles, will be furnished with a liberal hand. They would not recommend that fugitives go to Canada, at least on the approach of winter; but if any go, that they be men without families. It is well for every fugitive to avoid large cities and public houses.

The free people of color are advised to remain at their posts, unmoved and "unsawed," and each one to consider his dwelling his castle. In case of assault or molestation, they may be assured that they will be effectually aided by their white friends. The opposition to the wicked Bill is general and strong; and if those exposed to be its victims are circumspect and fearless, the opposition will increase, and the sympathy will be deeper and more general, until the "law" is indignantly and for ever swept from the statute book.

Those who aid the fugitive, and defend the free people of color from being kidnapped, act on conscientious, and many of them from Christian principles. The administration of the iniquitous and unconstitutional law is therefore a matter of persecution. In every way in which it can be viewed, it is a disgrace to the nation, an act of extreme cruelty, and can be viewed as an experiment on the part of the Slave Power to see how much the Free States will bear, with reference to future experiments upon their rights and feelings.

LEWIS TAPPAN, Cor. Sec.

## CIVIL LIBERTY OUTRAGED.

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THE FIRST FRUITS OF THE COMPROMISE !

THE FIRST UNITED STATES OFFICIAL SLAVE-CATCHER IN  
NEW-YORK !

THE FIRST OUTRAGE UPON CIVIL LIBERTY ON FREE SOIL,  
IN A FREE STATE !

Let the following plain statement of facts be read by every American citizen, and the public judgment be passed upon the authors of the law under which they took place, and their aiders, abettors, and approvers.

On the 26th day of September last, one THOMAS J. CLARE came to the city of New-York from Baltimore, with a power of attorney, purporting to be executed by one Mary Brown—not by her signature, but by her mark—authorizing him to take and carry to Baltimore a man represented to be her slave. Bringing with him a copy of the Fugitive Slave Law, just passed by Congress, as one of the heralded measures of peace in which that body has been engaged for the last ten months, certified to be authentic by *Daniel Webster*, Secretary of State, Clare appeared before *Alexander Gardiner*, Clerk of the Circuit Court of the United States for the Southern District of New-York, and Commissioner under the Fugitive Slave Law, and in virtue of this law, constituted a slave-catcher, and made an affidavit that George Hamlet, a mulatto man, about 30 years of age, who has resided in the neighborhood of this city for the last two or three years, and who has a wife and children there, was the slave of Mrs. Brown,

and that he escaped from her in Baltimore about the year 1848, and asked for a warrant to arrest him.

Commissioner Gardiner, entering promptly upon the execution of his new office under the law—one of the provisions of which gives the Commissioner ten dollars, provided he decides the man is a slave, but only five dollars in case he decides him to be a free man—forthwith prepared the necessary papers, issued the demanded warrant, and placed it in the hands of the United States Marshal, who, through one of his deputies, arrested Hamlet, while pursuing his ordinary business as porter in the store of Tilton & Maloney, 58 Water street, New-York city—having formerly lived with Mr. Silas Wood, in this city—and brought him, according to the directions of the warrant, before Mr. Gardiner. He was then taken into a retired room in the second story of the old City Hall, and the Commissioner, without any notice to any acquaintance of the prisoner, without assigning him any counsel, or giving him a moment's opportunity to send for assistance, proceeded with hot haste, *ex-parte*, to take the testimony of Clare, the son-in-law of the alleged claimant, and young Gustavus Brown, her son, in proof that the prisoner was her slave.

By accident, a gentleman who has some sympathy for the distressed, heard what was going on, and sent for a gentleman of the New-York bar to appear as counsel for the prisoner, who arrived only in time to elicit, by a cross-examination of the witnesses, the admission that at the time of the alleged escape of Hamlet, he was not in the employment of Mrs. Brown, but had for some time been hired out as servant in a Baltimore Shot Company, for whom Clare was clerk. Hamlet insisted that his mother was a free woman, and that he was a free man, and denied that he was a slave. But the law prohibited his testimony from being taken, and Commissioner Gardiner, upon the testimony of the two family witnesses, the son-in-law and son of the alleged owner—who by her mark upon the power of attorney, it appears, cannot write her name, and whose name was evidently used in the matter for the benefit of Clare and young Brown—decided that the prisoner was the slave of the claimant, and doomed him to perpetual bondage, by delivering him up to Clare as his property.

The demand was then made that the Marshal of the United States, at the expense of the United States, take the prisoner to Baltimore. The law sanctions the demand, and a warrant for that purpose was immediately issued, and this man, torn from his wife and children

and doomed to perpetual bondage, not by the verdict of a jury, but by the *fiat* of a mere clerk, whom this law has constituted slave-catcher for Southern masters, and upon the testimony of the parties in interest, was then taken into custody by deputy Benjamin H. Tallmadge, (who is son of Henry F. Tallmadge, U. S. Marshal,) hand-cuffed, and with his limbs thus cramped in irons, forced into a carriage prepared and standing at the court-house door. With two men on the driver's seat and three inside the carriage, he was hurried to the steamboat and taken to Baltimore, and lodged in the slave prison of the successor of Hope H. Slatter, a well-known hell upon earth, there to remain till a favorable bargain can be made for his sale and shipment to a Southern market. The expenses, amounting to between \$70 and \$80, have been paid by the United States. His wife and two children, who had no knowledge of his doom till he was gone, remain among us, deprived even of the mournful consolation of bidding farewell to their husband and father, who has been torn from them for no crime, under the sanction of and in conformity to a law made by the representatives of the people of these United States.

Young Tallmadge lost no time, after seeing that Hamlet was safely lodged in the slave prison at Baltimore, in communicating the news to his father's office. By a telegraphic dispatch from Baltimore he sent intelligence that the victim whom he had volunteered to take in chains to the dungeon in that city, was securely incarcerated. This young man, we regret to say, is the grandson of Colonel Benjamin Tallmadge of the revolutionary army, and once an Aid of General Washington!

James Hamlet is a highly esteemed young man. In the language of the subservient *Journal of Commerce*, he is "a steady, correct, and upright man," "a member of the Methodist Church," and "can be redeemed for \$800." The *Journal* says the decree was according to law and the *Constitution*. The LATTER ASSERTION IS FALSE, as the act tramples upon the Constitution, as well as upon the law of God. The caitiff editor sneers at a "higher law," and exults in the prostration of civil liberty, while he, with an affectation of benevolence, solicits money to purchase Hamlet, that he may be restored to his family. It is said that a silver pitcher is in preparation to be presented to the editor by slaveholders, in testimony of their appreciation of his services on behalf of the institution the past year.

This "law," called the FUGITIVE SLAVE LAW, is said to have been

drafted by Mr. Mason, Senator from Virginia. It is the act of which Daniel Webster said, "I propose to support that bill with all proper authority and provisions in it, to the fullest extent—to the fullest extent;" and for which he has received the cordial approbation of Moses Stuart, and a number of manufacturers, recreant preachers, and venal politicians. This law is an audacious violation of the first principles of CIVIL LIBERTY, and of the Constitution of the country. "For my own part," says Judge Jay, "I regard the bill before the Senate as a most gross usurpation of power in Congress; a plain, palpable violation of the Constitution, an outrage on the religious and benevolent sensibilities of the community, and a disgrace to our national character." Here is the bill:—

### AN ACT

TO AMEND, AND SUPPLEMENTARY TO THE ACT, ENTITLED, "AN ACT RESPECTING FUGITIVES FROM JUSTICE, AND PERSONS ESCAPING FROM THE SERVICE OF THEIR MASTERS," APPROVED FEBRUARY 12, 1793.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the persons who have been, or may hereafter be, appointed commissioners, in virtue of any act of Congress, by the circuit courts of the United States, and who, in consequence of such appointment, are authorized to exercise the powers that any justice of the peace or other magistrate of any of the United States may exercise in respect to offenders for any crime or offence against the United States, by arresting, imprisoning, or bailing the same under and by virtue of the thirty-third section of the act of the twenty-fourth of September, seventeen hundred and eighty-nine, entitled "An act to establish the judicial courts of the United States," shall be, and are hereby authorized and required to exercise and discharge all the powers and duties conferred by this act.

SEC. 2. *And be it further enacted,* That the superior court of each organized territory of the United States shall have the same power to appoint commissioners to take acknowledgments of bail and affidavit, and to take depositions of witnesses in civil causes, which is now possessed by the circuit courts of the United States; and all commissioners who shall hereafter be appointed for such purposes by the superior court of any organized territory of the United States shall possess all the powers and exercise all the duties conferred by law upon the commissioners appointed by the circuit courts of the United States for similar purposes, and shall moreover exercise and discharge all the powers and duties conferred by this act.

SEC. 3. *And be it further enacted,* That the circuit courts of the United States, and the superior courts of each organized territory of the United States, shall from time to time enlarge the number of

commissioners, with a view to afford reasonable facilities to reclaim fugitives from labor, and to the prompt discharge of the duties imposed by this act.

SEC. 4. *And be it further enacted*, That the commissioners above named shall have concurrent jurisdiction with the judges of the circuit and district courts of the United States, in their respective circuits and districts within the several States, and the judges of the superior courts of the Territories, severally and collectively, in term time and vacation; and shall grant certificates to such claimants, upon satisfactory proof being made, with authority to take and remove such fugitives from service or labor, under the restrictions herein contained, to the State or territory from which such persons may have escaped or fled.

SEC. 5. *And be it further enacted*, That it shall be the duty of all marshals and deputy marshals to obey and execute all warrants and precepts issued under the provisions of this act, when to them directed; and should any marshal or deputy marshal refuse to receive such warrant or other process, when tendered, or to use all proper means diligently to execute the same, he shall, on conviction thereof, be fined in the sum of one thousand dollars to the use of such claimant, on the motion of such claimant, by the circuit or district court for the district of such marshal; and after arrest of such fugitive by such marshal or his deputy, or whilst at any time in his custody, under the provisions of this act, should such fugitive escape, whether with or without the assent of such marshal or his deputy, such marshal shall be liable, on his official bond, to be prosecuted, for the benefit of such claimant for the full value of the service or labor of said fugitive in the State, Territory, or district whence he escaped; and the better to enable the said commissioners, when thus appointed, to execute their duties faithfully and efficiently, in conformity with the requirements of the constitution of the United States and of this act, they are hereby authorized and empowered, within their counties respectively, to appoint in writing under their hands, any one or more suitable persons, from time to time, to execute all such warrants and other process as may be issued by them in the lawful performance of their respective duties; with an authority to such commissioners, or the persons to be appointed by them, to execute process as aforesaid, to summon and call to their aid the bystanders, or *posse comitatus* of the proper county, when necessary to insure a faithful observance of the clause of the constitution referred to, in conformity with the provisions of this act: and all good citizens are hereby commanded to aid and assist in the prompt and efficient execution of this law, whenever their services may be required, as aforesaid, for that purpose; and said warrants shall run and be executed by said officers anywhere in the State within which they are issued.

SEC. 6. *And be it further enacted*, That when a person held to service or labor in any State or Territory of the United States has heretofore or shall hereafter escape into another State or Territory of the United States, the person or persons to whom such service or

labor may be due, or his, her, or their agent or attorney, duly authorized, by power of attorney, in writing, acknowledged and certified under the seal of some legal office or court of the State or Territory in which the same may be executed, may pursue and reclaim such fugitive person, either by procuring a warrant from some one of the courts, judges, or commissioners aforesaid, of the proper circuit, district or county, for the apprehension of such fugitive from service or labor, or by seizing and arresting such fugitive, where the same can be done without process, and by taking and causing such person to be taken forthwith before such court, judge or commissioner, whose duty it shall be to hear and determine the case of such claimant in a summary manner; and upon satisfactory proof being made, by deposition or affidavit, in writing, to be taken and certified by such court, judge, or commissioner, or by other satisfactory testimony, duly taken and certified by some court, magistrate, justice of the peace, or other legal officer authorized to administer an oath and take depositions under the laws of the State or Territory from which such person owing service or labor may have escaped, with a certificate of such magistracy or other authority, as aforesaid, with the seal of the proper court or officer thereto attached, which seal shall be sufficient to establish the competency of the proof, and with proof, also by affidavit, of the identity of the person whose service or labor is claimed to be due as aforesaid, that the person so arrested does in fact owe service or labor to the person or persons claiming him or her, in the State or Territory from which such fugitive may have escaped as aforesaid, and that said person escaped, to make out and deliver to such claimant, his or her agent or attorney, a certificate setting forth the substantial facts as to the service or labor due from such fugitive to the claimant, and of his or her escape from the State or Territory in which such service or labor was due to the State or Territory in which he or she was arrested, with authority to such claimant, or his or her agent or attorney, to use such reasonable force and restraint as may be necessary under the circumstances of the case, to take and remove such fugitive person back to the State or Territory from whence he or she may have escaped as aforesaid. In no trial or hearing under this act shall the testimony of such alleged fugitive be admitted in evidence; and the certificates in this and the first section mentioned shall be conclusive of the right of the person or persons in whose favor granted to remove such fugitive to the State or Territory from which he escaped, and shall prevent all molestation of said person or persons by any process issued by any court, judge, magistrate, or other person whomsoever.

SEC. 7. *And be it further enacted*, That any person who shall knowingly and willingly obstruct, hinder, or prevent such claimant, his agent or attorney, or any person or persons lawfully assisting him, her, or them, from arresting such a fugitive from service or labor, either with or without process as aforesaid; or shall rescue, or attempt to rescue such fugitive from service or labor, from the custody of such claimant, his or her agent or attorney or other person or persons lawfully assisting as aforesaid, when so arrested, pursuant to the au-

thority herein given and declared ; or shall aid, abet, or assist such person, so owing service or labor as aforesaid, directly or indirectly, to escape from such claimant, his agent or attorney, or other person or persons, legally authorized as aforesaid ; or shall harbor or conceal such fugitive, so as to prevent the discovery and arrest of such person, after notice or knowledge of the fact that such person was a fugitive from service or labor as aforesaid, shall, for either of said offences, be subject to a fine not exceeding one thousand dollars, and imprisonment not exceeding six months, by indictment and conviction before the district court of the United States for the district in which such offence may have been committed, or before the proper court of criminal jurisdiction, if committed within any one of the organized Territories of the United States ; and shall moreover forfeit and pay, by way of civil damages to the party injured by such illegal conduct, the sum of one thousand dollars for each fugitive so lost as aforesaid, to be recovered by action of debt in any of the district or territorial courts aforesaid, within whose jurisdiction the said offence may have been committed.

SEC. 8. *And be it further enacted*, That the marshals, their deputies, and the clerks of the said district and territorial courts, shall be paid for their services the like fees as may be allowed to them for similar services in other cases ; and where such services are rendered exclusively in the arrest, custody, and delivery of the fugitive to the claimant, his or her agent or attorney, or where such supposed fugitive may be discharged out of custody for the want of sufficient proof as aforesaid, then such fees are to be paid in the whole by such claimant, his agent or attorney ; and in all cases where the proceedings are before a commissioner, he shall be entitled to a fee of ten dollars in full for his services in each case, upon the delivery of the said certificate to the claimant, his or her agent or attorney ; or a fee of five dollars in cases where the proof shall not, in the opinion of such commissioner, warrant such certificate and delivery, inclusive of all services incident to such arrest and examination, to be paid in either case, by the claimant, his or her agent or attorney. The person or persons authorized to execute the process to be issued by such commissioners for the arrest and detention of fugitives from service or labor as aforesaid, shall also be entitled to a fee of five dollars each for each person he or they may arrest and take before any such commissioner as aforesaid at the instance and request of such claimant, with such other fees as may be deemed reasonable by such commissioner for such other additional services as may be necessarily performed by him or them : such as attending to the examination, keeping the fugitive in custody, and providing him with food and lodging during his detention, and until the final determination of such commissioner ; and in general for performing such other duties as may be required by such claimant, his or her attorney or agent, or commissioner in the premises ; such fees to be made up in conformity with the fees usually charged by the officers of the courts of justice within the proper district or county, as near as may be practicable, and paid by such claimants, their agents



or attorneys, whether such supposed fugitive from service or labor be ordered to be delivered to such claimants by the final determination of such commissioners or not.

SEC. 9. *And be it further enacted*, That upon affidavit made by the claimant of such fugitive, his agent or attorney, after such certificate has been issued, that he has reason to apprehend that such fugitive will be rescued by force from his or their possession before he can be taken beyond the limits of the State in which the arrest is made, it shall be the duty of the officer making the arrest to retain such fugitive in his custody, and to remove him to the State whence he fled, and there to deliver him to said claimant, his agent or attorney. And to this end the officer aforesaid is hereby authorized and required to employ so many persons as he may deem necessary, to overcome such force, and to retain them in his service so long as circumstances may require; the said officer and his assistants, while so employed, to receive the same compensation, and to be allowed the same expenses as are now allowed by law for the transportation of criminals, to be certified by the judge of the district within which the arrest is made, and paid out of the treasury of the United States.

SEC. 10. *And be it further enacted*, That when any person held to service or labor in any State or Territory, or in the District of Columbia, shall escape therefrom, the party to whom such service or labor shall be due, his, her, or their agent or attorney may apply to any court of record therein, or judge thereof, in vacation, and make satisfactory proof to such court, or judge, in vacation, of the escape aforesaid, and that the person escaping owed service or labor to such party. Whereupon the court shall cause a record to be made of the matters so proved, and also a general description of the person so escaping, with such convenient certainty as may be; and a transcript of such record authenticated by the attestation of the clerk, and of the seal of the said court, being produced in any other State, Territory, or District in which the person so escaping may be found, and being exhibited to any judge, commissioner, or other officer, authorized by the law of the United States to cause persons escaping from service or labor to be delivered up, shall be held and taken to be full and conclusive evidence of the fact of escape, and that the service or labor of the person escaping is due to the party in such record mentioned. And upon the production by the said party of other and further evidence, if necessary, either oral or by affidavit, in addition to what is contained in the said record of the identity of the person escaping, he or she shall be delivered up to the claimant. And the said court, commissioner, judge or other person authorized by this act to grant certificates to claimants of fugitives, shall, upon the production of the record and other evidences aforesaid, grant to such claimant a certificate of his right to take any such person identified and proved to be owing service or labor as aforesaid, which certificate shall authorize such claimant to seize or arrest and transport such person to the State or Territory from which he escaped: *Provided*, That nothing herein contained shall be construed as requiring the production of a

transcript of such record as evidence as aforesaid; but in its absence, the claim shall be heard and determined upon other satisfactory proofs competent in law.

HOWELL COBB,

*Speaker of the House of Representatives.*

WILLIAM R. KING,

*President of the Senate, pro tempore.*

Approved September 18, 1850.

MILLARD FILLMORE.

### SYNOPSIS OF THE BILL.

1. United States Commissioners who have been, or may hereafter be, appointed by the Circuit Courts of the United States, are authorized and required to exercise the powers conferred by this act.

2. The Superior Court of each Territory shall have power to appoint similar commissioners, with the same authority as that possessed by the commissioners appointed by the United States Circuit Courts.

3. The Circuit Courts of the U. S. and the Superior Courts of the Territories shall increase the number of commissioners from time to time, as their services may be needed.

4. Such commissioners shall possess concurrent jurisdiction, in relation to Fugitives, with the Judges of the Circuit and District Courts of the U. S., and the Superior Courts of the Territories, in term time, and vacation.

5. Marshals and Deputies are required to execute all warrants and precepts, or other processes for the arrest and detention of fugitives, under penalty of a fine of \$1,000 for the use of the claimant of such fugitive; and in case of the escape of a fugitive from the custody of a marshal, whether with or without his knowledge and connivance, said marshal is to be liable to a prosecution for the full value of the said fugitive.

The commissioners have also powers to appoint suitable persons from time to time, to execute all warrants and processes needful for the arrest and detention of fugitives, with power to call on the *posse comitatus*, or by-standers, for assistance; if needed; and all good citizens are commanded to aid and assist in the execution of the law, when their services shall be required.

6. The owner, or the attorney of any owner, of any fugitive slave, is authorized to seize such fugitive, with or without warrant or pro-

cess, and take him before some one of the courts, judges, or commissioners aforesaid, whose duty it shall be to determine the case in a summary manner; and on proof, by deposition or affidavit, or other satisfactory testimony, duly certified, of the escape and identity of said fugitive, and of the right of said claimant to the service of said fugitive, the commissioner shall make out and deliver to said claimant, a certificate, *which shall be conclusive, and prevent all molestation of the claimant by any process issued by any court, judge, magistrate or other person whomsoever*—setting forth the substantial facts in the case, with authority to use necessary force and restraint to take and remove such fugitive to the State or Territory from which he has escaped. The testimony of the fugitive is in no case to be admitted.

7. Any person who shall knowingly hinder the arrest of a fugitive, or attempt to rescue him after arrest, or assist such fugitive, directly or indirectly, to escape, or harbor or conceal him after notice or knowledge of the fact that he was a fugitive, shall be liable to a fine of \$1,000 and six months' imprisonment, by conviction before the proper District or Territorial courts, and to a suit for damages of \$1,000 for each fugitive lost to his owner by said obstruction or rescue, the same to be recovered by action of debt in any of the courts aforesaid.

8. The marshals, deputies and clerks shall receive the usual compensation in such cases for their services; when the proceedings are before a commissioner, he is entitled to a fee of ten dollars upon the delivery of the said certificate to the claimant; or to a fee of five dollars if the proof is deemed insufficient: the persons authorized to execute the process for the arrest and detention of such fugitive, shall receive a fee of five dollars, with other fees which may be deemed reasonable for additional services: all which fees are to be paid by such claimants.

9. Upon affidavit by the claimant that he apprehends a rescue, after the delivery of a fugitive to his master, the officer who effected the arrest may be required to take the slave to the place from whence he escaped, and employ as many persons as may be necessary to prevent a rescue, until he can be delivered to his master in the State from which he fled. The expenses of assistance and transportation, the same as those now allowed for criminals, are to be paid out of the U. S. Treasury.

10. On the escape of a slave, the master or his attorney may make

satisfactory proof to any Court of Record, or Judge thereof in vacation, of his ownership of an escaped slave, whereupon the court are required to issue an authenticated copy of said testimony, with a description of the person of the fugitive *with such convenient certainty as may be*, which being exhibited to any judge, commissioner, or other officer authorized to act, shall be held as conclusive evidence of the escape of said slave, and of the claimant's right to said fugitive. Upon the production of other evidence, if necessary, either oral or by affidavit, a certificate shall be granted which shall authorize the claimant to arrest and transport such person into the State or Territory whence he may have escaped. In the absence of said copy of said testimony, the claim shall be determined upon other proofs "competent in law."

### THE WAY IT WAS DONE

It is curious to know the *modus operandi*, and it should be kept in everlasting remembrance. The chief plotters—the slave-holding Speaker, Cobb, of Georgia, and his confederates on the floor of the House—and the subservient, pliant, dough-faced tools of the North, including those who voted for the Bill, and those who dodged the question, will have their names registered here and elsewhere for the eyes of their constituents, their countrymen, the world, and posterity. May the indignant frown of a virtuous people drive them from posts of influence, and doom them to political death, as they have doomed themselves to perpetual shame and dishonor.

The following is the Senate vote on the engrossment of the bill:—

**YEAS**—Messrs. Atchison, Badger, Barnwell, Bell, Berrien, Butler, Davis, of Mississippi, Dawson, Dodge, of Iowa, Downs, Foote, Houston, Hunter, Jones, King, Mangum, Mason, Pierce, Rusk, Sebastian, Soulé, Spruance, Sturgeon, Turney, Underwood, Wales, Yulee—27.

**NAYS**—Messrs. Baldwin, Bradbury, Chase, Cooper, Davis, of Mass., Dayton, Dodge, of Wisconsin, Greene, Smith, Upham, Walker, and Winthrop—12.

*Absent, or Not Voting*—Messrs. Benton, Borland, Bright, Clarke, Clay, Cass, Clemens, Dickinson, Douglas, Ewing, Felch, Hale, Hamlin, Miller, Morton, Norris, Phelps, Pratt, Seward, Shields, Whitcomb—21.

*Yeas from the Free States*—Messrs. A. C. Dodge and Jones, of Iowa.

On the final passage, the Yeas and Nays were not called, the fate of the bill being decided by the preceding vote; but that eminently national statesman, Hon. *Daniel S. Dickinson*, made a few remarks in favor of the bill, and it passed without further division. Mr. Seward was absent from the city, unwell. Mr. Hale was, we believe, with his family, for a few days, in New-Hampshire; but most of the twenty-one absentees were only indisposed to vote.

The bill was taken up in the House, September 12th, and forced through, says the editor of the *National Era*, without discussion, consideration, or any opportunity for amendment. The bill coming up, JAMES THOMPSON, of Pennsylvania, was recognized by the Speaker, who, it is believed, fully understood the views of that recreant representative of a Free State. He addressed the House in support of the bill, and closed by moving the previous question. Thaddeus Stevens, of the same State, strongly appealed to his colleague to withdraw the motion, as he desired to reply to him. Thompson would consent only on condition that Mr. Stevens would renew it; but this HE NOBLY REFUSED TO DO. Other members renewed the appeal, but their entreaties were in vain. Thompson was inexorable. Mr. Crowell moved a call of the House. It was refused, and the demand for the previous question was sustained!—yeas 87, nays 69. Mr. Stevens then moved to lay the bill on the table. The motion was lost—yeas 67, nays 113. The main question was then ordered to be put, and the bill was ordered to a third reading—yeas 105, nays 73. The bill was read a third time by its title, the question being, "*Shall it pass?*" Mr. Thompson moved a call of the House, which was decided in the negative,—yeas 78, nays 100. The question, "*SHALL THIS BILL PASS?*" was then decided in the affirmative—YEAS 109, NAYS 75.

The following is a classification of the vote:—

YEAS—CALLING THEMSELVES DEMOCRATS—

|                          |                                                                                                    |
|--------------------------|----------------------------------------------------------------------------------------------------|
| <i>Maine</i> .....       | THOMAS J. D. FULLER, of Calais; ELBRIDGE GERRY, of Waterford; NATHL. S. LITTLEFIELD, of Bridgeton. |
| <i>New-Hampshire</i> ... | HARRY HIBBARD, of Bath; CHARLES H. PEASLEE, of Concord.                                            |
| <i>New-York</i> .....    | HIRAM WALDEN, of Waldensville.                                                                     |
| <i>New-Jersey</i> .....  | ISAAC WILDRICK, of Blairstown.                                                                     |

YEAS—CALLING THEMSELVES DEMOCRATS.—*Continued.*

|                             |                                                                                                                                                                                        |
|-----------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <i>Pennsylvania</i> . . .   | MILO M. DIMMICK, of Stroudsburg ; JOE MANN, of Bedford ; J. X. McLANAHAN, of Chambersburg ; JOHN ROBBINS, JR., of Philadelphia ; THOMAS ROSS, of Doylestown ; JAMES THOMPSON, of Erie. |
| <i>Ohio</i> . . . . .       | MOSES HOAGLAND, of Millersburg ; JOHN K. MILLER, of Mount Vernon.                                                                                                                      |
| <i>Michigan</i> . . . . .   | ALEXANDER W. BUELL, of Detroit.                                                                                                                                                        |
| <i>Indiana</i> . . . . .    | NATHANIEL ALBERTSON, of Greenville ; WILLIAM J. BROWN, of Amity ; CYRUS L. DUNHAM, of Salem ; WILLIS A. GORMAN, of Bloomington ; JOE E. McDONALD, of Crawfordsville.                   |
| <i>Illinois</i> . . . . .   | WILLIAM H. BISSELL, of Belleville ; THOMAS L. HARRIS, of Petersburg ; JOHN A. MCCLEARNAND, WILLIAM A. RICHARDSON, of Quincy ; TIMOTHY R. YOUNG, of Marshall.                           |
| <i>Iowa</i> . . . . .       | SHEPHERD LEFFLER, of Burlington.                                                                                                                                                       |
| <i>California</i> . . . . . | EDWARD GILBERT.                                                                                                                                                                        |

|                              |                                                                                                  |
|------------------------------|--------------------------------------------------------------------------------------------------|
| <i>Maryland</i> . . . . .    | Hamilton.                                                                                        |
| <i>Virginia</i> . . . . .    | Averett, Bayly, Beale, E. Edmundson, McMullen, Holladay, Meade, Millson, Parker, Powell, Seddon. |
| <i>North Carolina</i> . .    | Ashe, Caldwell, Venable.                                                                         |
| <i>South Carolina</i> . .    | Burt, Colcock, McQueen, Orr, Wallace, Holmes, Woodward.                                          |
| <i>Georgia</i> . . . . .     | Haralson, Jackson, Wellborn.                                                                     |
| <i>Alabama</i> . . . . .     | Bowdon, Cobb, Hubbard, Harris, Inge.                                                             |
| <i>Louisiana</i> . . . . .   | La Sère.                                                                                         |
| <i>Tennessee</i> . . . . .   | Ewing, Harris, Johnson, Jones, Savage, Stanton, Thomas.                                          |
| <i>Mississippi</i> . . . . . | Brown, Featherston, McWillie, Thompson.                                                          |
| <i>Arkansas</i> . . . . .    | Johnson.                                                                                         |
| <i>Texas</i> . . . . .       | Howard, Kaufman.                                                                                 |
| <i>Missouri</i> . . . . .    | Bay, Bowlin, Green, Hall, Phelps.                                                                |
| <i>Kentucky</i> . . . . .    | Boyd, Caldwell, Mason, Stanton.                                                                  |

## YEAS—WHIGS.

|                           |                                    |
|---------------------------|------------------------------------|
| <i>Massachusetts</i> .... | SAMUEL A. ELLIOT, of Boston.       |
| <i>Ohio</i> .....         | JOHN L. TAYLOR, of Chillicothe.    |
| <i>Indiana</i> .....      | EDWARD W. MCGAUGHEY, of Rockville. |

*Virginia*..... Haymond, Morton.  
*Maryland*..... Bowie, Kerr.  
*Delaware*..... Houston.  
*North Carolina*.. Clingman, Deberry, Daniel, Outlaw, Shepperd  
Stanley.  
*Georgia*..... Owen, Toombs.  
*Alabama*..... Alston, Hilliard.  
*Tennessee*..... Anderson, Gentry, Watkins, Williams.  
*Kentucky*..... Breck, Johnson, Marshall, McLean, Thompson.

## NAYS—DEMOCRATS.

*Maine*..... CULLEN SAWTELLE, of Norridgewock; CHARLES  
STETSON, of Bangor.  
*Connecticut*..... WALTER BOOTH, of Meriden; LOREN P. WALDO, of  
Tolland.  
*Ohio*..... JOSEPH CABLE, of Carrollton; DAVID K. CARTER, of  
Massillon; DAVID T. DISNEY, of Cincinnati; JONA-  
THAN D. MORRIS, of Batavia; WM. A. WHITTLE-  
SEY, of Marietta; AMOS E. WOOD, of Woodville.  
*Michigan*..... KINSLEY S. BINGHAM, of Kensington.  
*Indiana*..... GRAHAM N. FITCH, of Logansport; ANDREW J.  
HARLAN, of Marion; JOHN L. ROBINSON, of Rush-  
ville.  
*Illinois*..... JOHN WENTWORTH, of Chicago.  
*Wisconsin*..... JAMES D. DOTY, of Menasha.  
*California*..... GEO. W. WRIGHT.

## NAYS—WHIGS.

*Maine*..... JOHN OTIS, of Hallowell.  
*Vermont*..... WILLIAM HEBARD, of Chelsea; WILLIAM HENRY  
of Bellows' Falls; JAMES MEACHAM.

NAYS—WHIGS.—*Continued.*

*Massachusetts*... JAMES H. DUNCAN, of Haverhill; ORIN FOWLER, of Fall River; HORACE MANN, of West Newton.  
*Rhode Island*... NATHAN F. DIXON, of Westerly; GEORGE G. KING, of Newport.

*Connecticut*..... THOS. B. BUTLER, of Norwalk.

*New-York*..... HENRY P. ALEXANDER, of Little Falls; HENRY BENNETT, of New-Berlin; GEORGE BRIGGS, of New-York; LORENZO BURROWS, of Albion; DANIEL GOTT, of Pompey; HERMAN D. GOULD, of Delhi; RANSOM HALLOWAY, of Beekman; WM. T. JACKSON, of Havana; JOHN A. KING, of Jamaica; ORSAMUS B. MATTESON, of Utica; THOMAS MCKISBROCK, of NEWBURGH; WM. NELSON, of Peekskill; HARVEY PUTNAM, of Attica; DAVID RUMSEY, Jr., of Bath; WM. A. SACKETT, of Seneca Falls; A. M. SCHERMERHORN, of Rochester; JOHN L. SCHOOLCRAFT, of Albany; JOHN R. THURMAN, of Chestertown; WALTER UNDERHILL, of New-York; PETER H. SILVESTER, of Cox-sackie.

*New-Jersey*..... ANDREW K. HAY, of Winalow; JAMES G. KING, of Hoboken.

*Pennsylvania*.... SAMUEL CALVIN, of Hollidaysburg; JOSEPH R. CHANDLER, of Philadelphia; J. C. DICKEY, of New-London; J. FREEDLEY, of Norristown; MOSES HAMPTON, of Pittsburg; H. D. MOORE, of Philadelphia; CHAS. W. PITMAN, of Pottsville; ROBERT R. REED, of Washington; THADDEUS STEVENS, of Lancaster.

*Ohio*..... MOSES B. CORWIN, of Urbana; NATHAN EVANS, of Cambridge; SAMUEL F. VINTON, of Gallipolis.

*Michigan*..... WILLIAM SPRAGUE, of Kalamazoo.

*Illinois*..... EDWARD D. BAKER, of Galena.

*Wisconsin*..... ORSAMUS COLE, of Potom.

## NAYS—FREE SOILERS.

*New-Hampshire*. AMOS TUCK, of Exeter.

*Massachusetts*... CHARLES ALLEN, of Worcester.



NAYS—FREE SOILERS.—*Continued.*

|                         |                                                                                                                                                          |
|-------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------|
| <i>New-York</i> .....   | PRESTON KING, of Ogdensburg.                                                                                                                             |
| <i>Pennsylvania</i> ... | JOHN W. HOWE, of Franklin.                                                                                                                               |
| <i>Ohio</i> .....       | LEWIS D. CAMPBELL, of Hamilton, JOHN CROWELL,<br>of WAITEN, J. R. GIDDINGS, of Jefferson, Wm.<br>F. HUNTER, of Woodsfield, Jos. M. Root, of<br>Sandusky. |
| <i>Indiana</i> .....    | GEORGE W. JULIAN, of Centreville.                                                                                                                        |
| <i>Wisconsin</i> .....  | CHARLES DURKEE, of Southport.                                                                                                                            |
|                         | YEAS, 109 ; NAYS, 75.                                                                                                                                    |

## ABSENT, OR NOT VOTING.

*Northern Whigs*.—Andrews, Ashmun, Bokee, Brooks, Butler, Casey, Clarke, Conger, Duer, Goodenow, Grinnell, Levin, Nes, Newell, Ogle, Phoenix, Reynolds, Risley, Rockwell, Rose, Schenck, Spaulding, Van Dyke, White—24.

*Free-soilers*.—Wilmot, 1.

*Northern Democrats*.—Cleveland, Gilmore, Olds, Peck, Potter, Strong, Sweetser, Thompson, of Iowa—8.

*Southern Whigs*.—3.

*Southern Democrats*.—12.

Total absent, or not voting—48.

Northern Democrats voting for the bill—27.

Northern Whigs voting for the bill—8 :

Elliott, of Massachusetts ; Taylor, of Ohio ;

McGaughey, of Indiana.

The members who intentionally absented themselves when this bill was about to be voted on, are less to be respected than those who boldly recorded their names in the affirmative. Some of the members who did not vote are known to be opposed to the bill, and will doubtless give a good reason for their absence at such a critical time. The dough-faces, who dodged as the vote was about to be taken, should be ascertained, and held up to the merited contempt of the world. Mr. Stevens, of Pennsylvania, after the passage of the bill, gravely rose, and suggested to the Chair the propriety of dispatching one of the pages, to inform his Whig friends who had gone out, that they now could return in safety, as the slavery matter was disposed of ! How mean and dastardly does the conduct of such " Whig

friends" appear, compared with the noble independence of Stevens and his respected coadjutors, both Whigs and Democrats, and Free Soilers, who, by their votes, stood up bravely for the Constitution and Human Rights.

It will be seen that the Representatives from the Free States numbered 141, while the number from Slave States was only 91. The former, therefore, had they all voted, could have killed the bill. A tremendous responsibility rests upon them. There were, it seems, 50 who were absent, or who dodged the question. Why did any one flee from the House to save himself from saying aye or no? Evidently because he feared to "face the music," or, in other words, he was afraid to meet his constituents if he voted *aye*, and trembled lest his party would lose their Southern wing, if he voted *nay*. There is no doubt that a large number of the dodgers from the Free States were convinced that a majority of their constituents were opposed to the bill, and that if they had voted in accordance with the views of those they were sent to represent, the bill would have been defeated. The people of the North, therefore, justly feel that they have been betrayed by their representatives, and in uniting with the people of color in resisting this bill, they are only carrying out their original intentions in the instructions given to their Senators and Representatives in Congress.

The above act was approved by MILLARD FILLMORE, a northern President of the United States, Sept. 18, 1850. The day he put his name to it will be a memorable one in his life. It will be *the* act of his administration, by which he will be distinguished in history. He is a lawyer; he knows what constitutional law is; and he has stood up in the Halls of his native State and denounced the encroachments of the Slave Power. But now we behold him basely truckling to the dictation of the South, instead of promptly and manfully VETOING the act, because affixing his signature to it would be a violation of his oath of office, a violation of the Constitution, and an outrage upon Civil Liberty. He had not, it seems, integrity and independence enough to act out the convictions of his understanding. He has thus shown that, instead of being the dignified chief of a nation, he is the instrument of Daniel Webster, the manager of the acting President, the tool of a party that is succumbing to the Slave Power in order to secure their votes at the next Presidential election. For shame!

We have said that the infamous Fugitive Slave Bill—it is not wor-

thy to be styled a "Law,"—is a palpable violation of the Constitution, and subversive of the first principles of Civil Liberty. Let this be made clear to the comprehension of every reader.

### THE BILL EXAMINED.

The most infamous feature of the bill is, that it compels every citizen of the free States to be a "*slave-catcher*."\* It appoints commissioners for the purpose, expressly authorizing them "to call to THEIR AID THE BY-STANDERS, or *posse comitatus*, of the proper county"—in the matter of seizing, and holding, and dragging back to chattelhood, fleeing slaves, if they be found at the North. The *posse comitatus* is the power of the county. The militia, if the slave-catcher require it, may be called on, to hunt men and women and children, as wild beasts, and to restore them to slavery. And the 5th section has in it this most remarkable paragraph—

"ALL GOOD CITIZENS ARE HEREBY COMMANDED to *aid and assist in the prompt and efficient execution of this law, whenever their services may be required.*"

We ask every citizen of New-York, if he does not feel all about his heart and conscience, that a law like that has no claim upon him and that it is absolutely void! We were once told by those who made this law, that "we had nothing to do with slavery." Verily slavery has much to do with us, and necessarily we have much to do with it, in whatever it has to do with us. It is not enough that it seizes our Northern seamen in Southern ports, and sells them into slavery—not enough that it denies the benefit of the laws, and mobs us when we go there to bring the cases of our enslaved and persecuted citizens before the courts—but with unaccountable insolence, it enacts that we shall return them to bondage if they escape to their Northern families and homes.

It constitutes at the North, in our neighborhoods, and by our fire-sides, the most anomalous, overshadowing, insulting, and despotic police that perverted mind can contrive, or guilty power sustain—a police which guilty power cannot sustain, until honor, and purity, and freedom have fled from among us, and we have consented to be the most drivelling, and base, and worthless slaves that ever crawled at the foot of Tyranny. Be it remembered, he who is forced to serve

\* In examining the bill we have made free use of the excellent remarks of the editor of the *Liberty Party Paper*, printed at Syracuse, N. Y.

is no more a slave than he who is forced to compel others to serve. Nay, we hold *that* slavery the most degrading, that forces us, whether we will or no, to *force others* into bondage, and keep them there for the use and benefit of inhuman monsters, who shake their manacles over both, and open our own prisons to both, if we fail to obey their insolent and hellish behests. This law leaves the freeman at the North no alternative. **HE MUST DISOBEY THE LAW.**

Let the following pledge be signed by men and women in every town in the free States, in regard to this matter :

### PLEDGE.

WHEREAS THE LATE ACT OF CONGRESS MAKES A REFUSAL TO AID IN THE CAPTURE OF A FUGITIVE A PENAL OFFENCE, THE SUBSCRIBERS BEING RESTRAINED BY CONSCIENTIOUS MOTIVES FROM RENDERING ANY ACTIVE OBEDIENCE TO THE LAW, DO SOLEMNLY PLEDGE OURSELVES TO EACH OTHER, RATHER TO SUBMIT TO ITS PENALTIES, THAN TO OBEY ITS PROVISIONS.

This Pledge should be printed, and circulated over the land, and can be returned by the 1st of December, to Lewis Tappan, 61 John street, New-York city, for the purpose of publishing the names ; thus producing a powerful influence upon public opinion, and preparing the way for the repeal of this diabolical bill. And we advise that it be printed on handbills, and posted up in every dwelling-house, store, shop, manufactory, and other place of resort, that all may read it, and have their attention attracted to the PLEDGE, as it may be circulated for signatures.

The punishment for aiding in the escape of the fugitive, or for harboring him, is ONE THOUSAND DOLLARS, with IMPRISONMENT not exceeding six months, besides one thousand dollars, to be recovered in a suit for civil damages, for each fugitive thus aided or harbored.

Another aggravating feature of this Bill is, that it proposes a bribe to the cupidity of the sunken and worthless spirits, who, alone, will accept a commission under it. Mark the direct terms of this bribe :

"In all cases where the proceedings are before a commissioner, he shall be entitled to a fee of \$10, in full for his services in such case, *upon the delivery of the said certificate* to the complainant, his or her agent, or attorney ; or a fee of five dollars, in cases where the proof shall not, in the opinion of such commissioner, warrant such certificate and delivery."

The sordid villain who is to have this office, takes no salary with it, but is paid ten dollars for every man he adjudges to be a slave, and is to have \$5 in every case where he does not so adjudge.

Another peculiarity of this law is, that it makes no exceptions on account of color. We mention this, not because we detest it any more for that—for indeed we like it the better on that account—nevertheless, we wish our white citizens to understand, that our Congress have directly opened the door, by statutes, for the enslavement of our own children. It is unaccountable, that parties, for party purposes, can thus resolve their government into a despotism the most downright that has ever existed! It will be more astonishing still, if the people have so little respect for human freedom as to submit to it. The effect of the law, if carried out, according to its letter and intent, is to make the Free States the Guinea of America, where the dealers in human flesh may hunt, and prowl, under the auspices of the general government, and pick up their victims, black and white together, for the southern market.

The only evidence which is required of a southern kidnapper is, that he give his own "*deposition or affidavit*," before a judge or commissioner, or justice of the peace, in "*the State or territory from which such person owing services has escaped*," and such judge or commissioner shall deliver to such claimant, or his agent, a warrant, which shall be his *authority* "to use such reasonable force or restraint as is necessary" "to remove him (the person claimed) back to the State from whence he fled." And to cut off all hope of the poor man who is thus pounced upon, it is further expressly provided, as follows:—

"IN NO TRIAL OR HEARING UNDER THIS ACT SHALL THE TESTIMONY OF SAID ALLEGED FUGITIVE BE ADMITTED—and *the certificate in this and the first section mentioned*, SHALL BE CONCLUSIVE OF THE RIGHT OF THE PERSON OR PERSONS IN WHOSE FAVOR GRANTED, TO REMOVE SUCH FUGITIVE TO THE STATE OR TERRITORY FROM WHICH HE ESCAPED, AND SHALL PREVENT ALL MOLESTATION OF SUCH PERSON OR PERSONS BY ANY PROCESS ISSUED BY ANY COURT OR JUDGE, MAGISTRATE, OR OTHER PERSON WHOMSOEVER."

"A human being," says Judge Jay, in commenting upon this law, "is stripped of every right, and reduced to the condition of a vendible beast of burden, with less ceremony, and with more celerity, than one neighbor can recover of another the value of a pig in any Court of Justice. The Constitution of the United States secures a trial by

jury in suits at common law in all cases where the value in controversy exceeds TWENTY DOLLARS; but here, where the matter in controversy is the liberty of an immortal man, and all his hopes of happiness in the life that is, and that which is to come, no jury is allowed; but a village postmaster, (or any other person appointed commissioner,) with the promise of ten dollars if he decides for the slaveholder, and of only five if against him, is deemed a sufficient tribunal for the protection of a human being, to whom the Creator has pleased to give a dark-colored skin."

Take the case of the late Professor Webster. If he had been poor, the court would have assigned him counsel. No one, ever so villainous or criminal, arraigned for the most heinous crime, is deprived of all the aid and lenity our courts can bestow. But if a man is charged with the offence of being a slave, all such aid is denied him, and the "law" wreaks its vengeance upon his defenceless head. Surely "the throne of iniquity" has been framing "mischief by a law."

Who ever heard of so atrocious a law! One man, on his own deposition or affidavit, allowed, by order of a commissioner, to claim another man or woman as his property!—forbid to repel the affidavit or deposition with his own!—forbid any defence whatever, however abundant his means of defence, and to be delivered over by the warrant of such commissioner to the claimant, whose character and claims such commissioner may not allow him or her to impeach in any manner whatever!—given over, him and his posterity for ever, to eternal bondage! Will not God's curse smite the heartless villain who will attempt to execute such a law! Do we deserve to be a free people; can we expect to escape the anger of Heaven, if we do not smite the law and its executors together in the dust!

The certificates referred to in the above paragraph, are, the certificate of the judge or justice in the slave State or Territory, that the affidavit or deposition was in fact taken before him, and which is sealed by him, thereby giving it the force of Record, and unimpeachable and conclusive evidence against the fugitive; also the certificate of the commissioner, that the slave has been brought before him on the former affidavit and certificate, and by him delivered over to his tormentors. These are the only certificates mentioned in this act. It is apparent, therefore, that there is nothing like a trial in the case. To know that there is not, we need but revert to the 6th section, which gives the proceedings before the commissioner, and compare them with the

proceedings authorized under the 10th section, before a court. In the latter case, the claimant is required to "*make satisfactory proof*;" in the former, he presents only the certificate of his own deposition, made out by a judge or justice of a foreign State, and in the latter he is required to resort to common law proof, (because the courts may make judgment, or act in no case whatever but upon common law proof.) The proceedings under this statute are authorized, therefore, expressly to evade common law remedies and rights, and give the victim over to his demandant without common law protection or remedy, against every principle of law or justice sanctioned by any jurisprudence of any people whatever. The defendant is expressly denied the right to prove that the papers adduced against him are a forgery.

It will be seen that the proceeding under this act is entirely *ex-parte*—the order of the commissioner is *ex-parte*, even in the face of the defendant—the whole proceedings are on the part of the demandant, and no act, proceeding, resistance, or defence whatever are allowed to the defendant. Submission to his demandant is all that is admissible on his part. The same section that provides the commissioner to effect the intent of the statute, authorizes the demandant to arrest the person of his victim *without aid*. The appointment of the commissioner is but to supply the lack of physical power in the claimant to seize and enslave his victim. Had he power, in his own person, to arrest and return the fugitive, the law would not be called for, and would not have been enacted. But he has no such physical power, and therefore Congress authorizes this means to aid the slaveholder in the premises, with the physical power of the States. There is therefore nothing resembling, as to form or intent, the doings of a court of law in the matter. It is simply a mode prescribed, in the form of law, by which the nation shall engage in behalf of the most squalid and limitless despotism that can exist among men. The commissioner is an agent only in one state of the case—and the *posse comitatus*, or the militia of the country, and "ALL GOOD OFFICERS," are forced into the army in another state of the case, to gratify the individual wishes, interests, or intent, of the most absolute despot that mind can conceive of, or power create. It is said, sometimes, that "Congress cannot make a slave or a king." This most atrocious act reverses this position, and expressly creates the relation of "King and Slave," and that too under the most objectionable and revolting circumstances.

Not only does this law take from all Northern men every legal right, but it forbids all the tribunals of the country, whether state or national, to interfere in their behalf, if demanded as Slaves, by any perjured scoundrel who may have the audacity to make the demand and swear to it. The Constitution of the United States declares that the "*Habeas Corpus shall not be suspended*." This act pointedly destroys it, by providing, as it does, that the certificate of such commissioner "SHALL PREVENT ALL MOLESTATION OF SAID PERSON OR PERSONS (the claimant and his agents) BY ANY PROCESS ISSUED BY ANY JUDGE, MAGISTRATE, OR OTHER PERSON WHOMSOEVER." The *Habeas Corpus* is a "*process issued*" in behalf of freedom. This law declares that such writ shall not issue when Slavery demands any man, woman, or child, of any color, or condition, as a Slave.

Again. This law applies as well to apprentices and minors as to slaves. It gives the aforesaid unaccountable power and authority, in all cases in which persons are charged as "*fugitives from labor*." The word slave, or *slaves*, is not used by the act. It treats only of "*fugitives from service or labor*." In no case are the subjects of this severity called slaves. This act, then, reverses all the laws of this State, and other States, regulating "*masters, apprentices and servants*," as well as of "*parent and child*" in this regard. A Southern man-thief has but to come among us, and demand *our* children as *his* children, and claim that they "*owe him service*," or demand them as *apprentices* who "*owe him service or labor*," and they are expressly forbid the right to try the question whether the villain's claim is true or false. The commissioners in such case are ordered by the letter of the act to give them up and tote them off to legal bondage. The statutes of the State giving jurisdiction, and made to try the right before its own Judges and Justices, are all reversed, and the helpless youth is given up without trial, on the *ex-parte* affidavit of a foreigner, which he may not controvert or impeach, to go hence for ever. Were this law to be construed to be applicable to parent and child, and master and apprentice, alone—as by its terms it is only applicable—its provisions would be regarded as too atrocious and despotic to be obeyed. Men, nor women, nor children, sons nor servants, masters nor apprentices, would consent that slaveholders of foreign States should, by so rude a tyranny, break up the primeval and dearest relations of society among us. And yet Congress, to aid cruel men to hold other men and women as cattle, has expressly interfered with our own domestic



relations, and expressly thrown down every barrier, exposed them to the human wolves and lusty man-thieves who prowl for prey amid the desolations of slavery.

A father, or mother, or master, are expressly forbid to defend their son or daughter, or apprentice, against the demand of a slaveholder of a slaveholding State, if such demand is but supported by the deposition of a person unknown to such father, master, son or apprentice in a foreign State, and who therefore could not be confronted or cross-questioned by them; but such son, daughter or apprentice is ruthlessly torn from his parental relations, by the power of a free State, (which may God forbid,) and given over to the blackness of darkness of slavery. The blood almost curdles at the recital. If such an enactment had been promulgated as the decree of the Russian AUTOCRAT, or the military order of the bloody HAYNAU, men would shudder. Yet Daniel Webster could go for the bill to the "fullest extent," and Moses Stuart could say of him, "Posterity, divested of partizan feeling and prejudice, will erect to him a lofty monument."

### UNCONSTITUTIONALITY OF THE BILL.

Senator CHASE, in his speech of March 26th, said:—

I ask Senators, who propose to support that bill, where they find the power to legislate on this subject in the Constitution? I know to what clause I shall be referred. I know I shall be told that the Constitution provides that "no person held to service or labor in one State, under the laws thereof, escaping into another, shall, in consequence of any law or regulation therein, be discharged from such service or labor, but shall be delivered up on claim of the party to whom such service or labor may be due." But this clause contains no grant of legislative power to Congress. That power is conferred exclusively by special clauses, granting legislative power in respect to particular subjects, and by the eighth section of the first article, which, after enumerating the specific powers of Congress, proceeds to declare that Congress shall have power "to make all laws which shall be necessary and proper for carrying into execution the foregoing powers, and all other powers vested by this Constitution in the Government of the United States, or in any department or office thereof.

Now, Sir, what power is vested, by the clause, in relation to fugitives from service, in the government, or in any department or officer of the government? None at all; and if none, then the legislative power of Congress does not extend to the subject. The clause is a clause of compact. It has been so denominated by every Senator who has had occasion to speak of it. The honorable Senator from Massachusetts told us that he "always thought that the Constitution addressed itself to the Legislatures of the States, or to the States themselves; that he had always been of the opinion that it was an injunction upon the States

themselves." If this opinion be correct, the power of legislation and the duty of legislation must be with the States, and not with Congress."

We are not prepared, I hope, and I trust we never shall be prepared, to give the sanction of the American Senate to the bill and the amendments now upon our table—a bill which authorizes and requires the appointment of two hundred and sixty-one commissioners, and an indefinite number of other officers, to catch run-away slaves in the State of Ohio; which punishes humanity as a crime; which authorizes seizure without process, trial without a jury, and consignment to slavery beyond the limits of the State, without opportunity of defence, and upon *ex-parte* testimony. Certainly no such bill can receive my vote."

Furthermore, the Bill suspends the *Habeas Corpus Act*,\* the great bulwark of liberty, the *Magna Charta* of the civilized world. In Section IX. of the Constitution is this clause:

"THE PRIVILEGE OF THE WRIT OF HABEAS CORPUS SHALL NOT BE SUSPENDED UNLESS WHEN, IN CASES OF REBELLION OR INVASION, THE PUBLIC SAFETY MAY REQUIRE IT."

There was no "rebellion or invasion" in the land when the Bill was passed, although it is impossible to tell how soon the fact will be otherwise, if its diabolical provisions continue to be carried out. The Bill, as has been shown, is not confined to fugitive slaves; it *includes all "fugitives from service or labor," be they white or colored.* The Fugitive Slave Bill, Section VI., constitutes the commissioner a court, from whose decision there is no appeal! There shall be no "molestation of said person or persons, by any process issued by any court, judge, magistrate, or other person whomsoever." The commissioner, whoever he may be, a Postmaster, Collector, Tide-waiter, Ward Justice, Street Inspector, Clerk of the Market—in the recent case, the Clerk of the Circuit Court—is constituted the High Court of Judicature, his decree is irreversible, and neither any judge of the State Courts, or United States Court, can issue the writ of Habeas Corpus, for the purpose of inquiring whether the person has been illegally deprived of his liberty.

By an act of the State of New-York, and by similar acts of other States, a slave brought into the State by his master shall be free. But the Fugitive Slave Bill appears to trample upon the State laws in this respect. Such a person—once a slave—may be arrested under

\* *Habeas Corpus*.—"You may have the body before the Court." This is the great writ of personal liberty. It lies, where a person being indicted or imprisoned, (and an illegal arrest is in law an "imprisonment,") unlawfully or unconstitutionally, applies to another tribunal for relief in the premises.

the Bill, be taken before a commissioner, and be remanded into slavery. The decision of the upstart commissioner-judge, is "conclusive;" there shall be no molestation by *any* process issued by *any* court, judge, magistrate, or other person whomsoever! It is true that the language of the bill is, that slaves who shall escape *from one State into another* State, may be arrested and remanded back; but in the phraseology of slaveholders it is an "escape"—a constructive escape—to run away from the master anywhere.

In the celebrated *Prigg* case, in Pennsylvania, Judge Story, in the name of the Supreme Court of the United States, gave an opinion that the law of 1793, upon which the late Fugitive Slave Bill is founded, was in some respects not free from reasonable doubt or difficulty as to its constitutionality, viz.: in that part that conferred authority on State magistrates to issue process, &c., for the reclamation of fugitive slaves, and which has been generally understood to require them to perform this service. Eminent jurists in several States have long since given similar opinions. Hon. Thaddeus Stevens, of Pennsylvania, during the recent session, in his place on the floor of the House of Representatives, pronounced the law of 1793 INFAMOUS. Congress cannot confer jurisdiction upon a court not created by the Constitution and laws of the United States; and transcended its powers in this way, in the enactment of the law of 1793, which was besides unconstitutional, because it authorized the Federal Courts to try a claim to a man as a slave, without the intervention of a jury. The Constitution (Art. 5 of the Amendments) says that no person shall be "deprived of life, liberty, or property, without due process of law." And Art. 6th provides that in criminal prosecutions, (and the proceedings in the case of Hamlet were of a criminal nature,) the accused shall enjoy a speedy and public trial by jury, and be confronted with the witness against him. Neither the law just passed, nor any other, can constitutionally take away this right, or authorize any commissioner or court to determine a case affecting the *life or liberty* of an individual in a "summary manner." It is vesting such commissioner or court with power as absolute as that of the "Star Chamber," or "Turkish Kadia." It has been well said that the courts of the United States have power to appoint commissioners to take affidavits and acknowledgments of bail; but they do not possess, and cannot receive, authority from Congress to delegate to a commissioner the power of trying a cause.

We see that the Bill enacted by Congress in 1793, approved by

President Washington, acquiesced in for more than fifty years, is pronounced unconstitutional, or, in the carefully-worded language of the Supreme Court, "not free from reasonable doubt as to its constitutionality," in one or more of its principal provisions, by the decision of the highest judicial court of the country. It shows that the gentlemen in both Houses of Congress, when they enact laws under the screws of party, and amidst champagne, clamor, and cries for the "previous question," may be enacting unconstitutional statutes. If they do this in one case, they are liable to do it in another. Infallibility does not pertain to such a body of men as compose the present House of Representatives.

The clause of the Constitution, already referred to, says: "No person held to service or labor in one State under the laws thereof, *escaping into another*, shall be delivered up," &c. Mark the expression. The meaning clearly is 'another State,' not a Territory. A slave, then, escaping from a *Territory* of the United States into one of the *States*, cannot constitutionally be pursued and remanded into slavery.\* Of course, that portion of the Fugitive Slave Bill, which authorizes the arrest of an alleged slave who has fled from the District of Columbia, the certificate of the commissioner, and the carrying back, in chains, of the prisoner, by the marshal, is unconstitutional, and therefore void. It will be observed that in the last section the law confers jurisdiction upon a State Court of Record. It is settled that Congress cannot confer jurisdiction upon any court not created by the Constitution and laws of the United States.

Among the fundamental principles of a free people and a constitutional government, are these—The right of an accused person to meet his accuser or claimant face to face, to examine his witnesses in Court, to employ counsel, and should he be poor, to have counsel assigned by the Court, and to be TRIED BY AN IMPARTIAL JURY. Even men accused of the most atrocious crimes can legally claim each and all these privileges; and after conviction, so lenient is the law, and so humane the practise, that great forbearance is shown to the convict. He may move for a new trial, and have the question elaborately argued; the Court, after advisement, delivers a formal opinion; the executive pa-

\* Whoever defends William O. Chaplin, must take the ground, that it is no crime, under the Constitution, to aid a bondman to escape from the District of Columbia into Maryland, or any other State; to say nothing here of the fact that Slavery itself does not constitutionally exist in the District of Columbia.

tiently listens to the entreaties and arguments of friends. Meantime the prisoner is treated with kindness; he may receive the visits of his family; and in all the proceedings, both before and after conviction, justice is tempered with mercy. But in the case of a poor man, arrested under the Fugitive Slave Bill, none of these things are meted out to him. He may be decoyed, as was Hamlet, under lying statements, by governmental officials, to a court-room; no counsel is assigned to him; he is not permitted to send for his friends; testimony against him is taken in an adjoining apartment; he is adjudged by some understrapper, unconstitutionally clothed with high judicial powers, to perpetual slavery; is hand-cuffed in the court-room, denied the melancholy gratification of bidding his wife and little ones a final adieu, or even the miserable consolation of apprising them of his situation; and in hot haste is carried to a Southern dungeon. This is done, not in a land of savages or pirates, but in a Christian city—in the Temple of Justice, by men of respectable descent and standing! "The law allows it, and the court awards it." Northern men willingly become slave-catchers, and take great delight in obsequiousness to Southern slaveholders, and in truckling to their arrogance. Even the sons and grandsons of illustrious men are content to wear Southern livery. The law requires that the proceedings shall be "summary," and the ministers of the law, with demoniacal impetuosity and cruelty, administer it to the letter. Gracious heavens! Do we live in the land of the pilgrims! Does the blood of Hampden and Sidney flow in our veins! Are we the countrymen of Patrick Henry! Did Lafayette fight to achieve our freedom! Is this the model Republic! Are we MEN!

It is said, "The compromises of the Constitution must be observed; these men are not citizens, but only slaves." This is said by those who basely submit to the violation of the Constitution by South Carolina in imprisoning colored seamen, citizens of Massachusetts, and selling them to pay jail fees, when the Constitution declares, "the citizens of each State shall be entitled to all privileges and immunities of citizens in the several States." But it is not fugitive slaves alone that the Bill reaches. Every colored person in the free States is liable to be arrested and to be carried into slavery by the practise under this Act. The affidavit of a slaveholder, and the testimony of some perjured accomplice among our own citizens, will be deemed sufficient by many of these commissioners to entitle the claimant to a certificate. It is

in view of this that the Bill has carried consternation into the dwelling of every free colored family in the free States, and that men, women and children, born of free parents, and peaceably pursuing their honest occupations, have their heart-strings broken, and are now living by day and night in constant dread of molestation. Nor is this all; the Bill, as before stated, makes no allusion to colored people; it applies to persons of all complexions and in all conditions. The liberty of every citizen is placed in jeopardy by this "Bill of Abominations." The oath of any two miscreants, before a corrupt and nefarious commissioner, is sufficient to deprive him of his freedom, and hurry him to a Southern jail. If this Bill is submitted to, in the case of a fugitive, free colored, nay, white citizens, have no liberty left to boast of, and had better be citizens of Turkey than of the United States of America. Let those who voted for the Bill, or, being able to attend upon their legislative duties, "dodged" the question, be made answerable at the bar of public opinion, and be consigned to perpetual ignominy; let an indignant rebuke everywhere go forth in relation to those who counselled the executive to sanction it; let the Chief Magistrate, who wrote "approved," be remembered by an insulted people; and let the watchword be throughout every free State, in every city, town and village, **THE REPEAL OF THE INFAMOUS BILL!**

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## APPENDIX.

### MEETING OF THE COLORED POPULATION.

#### THEIR DENUNCIATION OF THE FUGITIVE SLAVE BILL.

A meeting of colored people was held on the evening of October 2d, at the Zion Chapel, Church street. The building, which is capable of holding 1,500 persons, was crowded to excess, two-thirds of those present being women of color. The following is a copy of the hand-bill by which the meeting was convened:—

#### THE FUGITIVE BILL!

#### THE PANTING SLAVE!

#### FREEMEN TO BE MADE SLAVES!

Let every colored man and woman attend the **GREAT MASS MEETING** to be held in

#### ZION CHURCH,

Church street, corner of Leonard, on

**TUESDAY EVENING, OCTOBER 1, 1850,**

for your Liberty, your Fire-side is in danger of being invaded! Devote this night to the question of **YOUR DUTY** in the **CRISIS**.

Shall we resist Oppression? Shall we defend our Liberties? Shall we be **FREEMEN** or **SLAVES**?

By order of the Chairman of the Committee of 13.

Shortly after seven o'clock, William P. Powell was, on motion, called to preside.

The Vice Presidents were—Messrs. J. M. Smith, J. Powers, Rev. S. White, D. Bush, Rev. S. E. Cornish, E. Harrington, J. H. Putnam, Rev. J. T. Raymond, J. Harris, S. Drayton, Rev. H. Wilson, A. Lyons, J. J. Jefferson, J. Jaffers, J. Purnell, R. H. Cousins, H. Williams, Capt. P. Hawkins, E. A. Potter, and P. Guion.

Secretaries—T. J. White, M. D., P. H. Reason, R. Hamilton.

The meeting was opened with prayer by the Rev. Mr. White, who supplicated for victory over their enemies, and besought the Omnipotent Power to guide and protect those who are going to the land where men do not trample on one another.

The President, in addressing the assemblage, said:—Fellow-citizens,—In all things that have beauty, there is nothing to man more comely than liberty. Give me the liberty to know, to utter, and to argue freely, above all liberties. (Cheers.) A more important subject than this never, in the history of this country, came before the American people, and it is nothing more nor less than this—Shall we submit to the iniquitous Fugitive Slave Bill, which subjects every free colored man, woman and child, to be seized upon, hand-cuffed, and plunged into perpetual slavery! Shall the blood-thirsty slaveholder be permitted, by this unrighteous law, to come into our domiciles, or workshops, or the places where we labor, and carry off our wives and children, our fathers and mothers, and ourselves, without a struggle—(loud cries of "No, no,")—without resisting, even if need be, unto death! (Cheers.) Or shall we sit down and tamely submit our necks to the halter, and our limbs to the shackles, and clank our chains to the sweet music of passive obedience! (No, no.) Every step which we may take, whether it be backwards or forwards, will be followed by consequences vast and momentous. Let us be united as one man, regarding our first rights as inherent and inalienable. There are a thousand and one ways by which the unsuspecting colored man, woman and child may be entrapped into the hands of the black-hearted, villainous kidnapper, and spirited away into slavery almost instantly. The case of James Hamlet, the fugitive, is in point. There is one victim. Will you submit that there may be more! (Loud noes.)

Hear ye no rumblings in the air?  
Hear ye no earthquakes underneath?  
Up, up, why will you slumber where  
The sleeper only wakes in death!

You are told to submit peaceably to the laws; will you do so? (No, no.) You are told to kiss the manacles that bind you; will you do so? (No, no, no.) The law is made by the people. The people have told you that you must do so; will you obey them? (No.) Upon your decision this night hangs the liberty of millions. This covenant with death, and agreement with hell, must be trampled under foot, resisted, disobeyed, and violated at all hazards. (Cheers.) When the mother country imposed upon the infant colonies the three-and-a-half per cent. tax, and the stamp act, the very first blood that was

shed, was shed in resistance of the odious act by a colored man ; the first martyr to American independence, nobly led on the mob of white men, and was the first to receive the fire of the British soldiery ; and throughout the Revolutionary and late war, colored men stood side by side with white men, and achieved a most glorious victory in the name of liberty. We have met this night to decide, not whether we will pay the government a three-and-a-half per cent. tax, or an impost duty, but whether we will suffer ourselves and families to be made slaves. And, O Powerful Goodness, Bountiful Father, Merciful Guide, increase us in that wisdom which discovers our truest interest. (Cheers.) The President having called on the meeting to act peaceably, concluded by saying that they had asked the Mayor what course they were to pursue, in the event of free colored men and women being seized and spirited away to slavery, but that functionary had not thought proper to answer them.

The several sections of the Fugitive Slave Bill were then read amid interruptions, execrations, and cries of Shame. At the conclusion, a voice in the gallery asked, was there no more of it ?—an interrogatory which excited the risibilities of some, which were, however, checked by the President, who told them it was too solemn a question for merriment.

Mr. GEORGE T. DOWNING then read the following resolutions, which were received with cheers and expressions of approbation :—

*Whereas*, the Congress of the United States has passed a law for the avowed purpose of reclaiming persons owing service in one State and escaping into another, and approved by Millard Fillmore, the President of the United States, on the 18th day of September, 1850—

*And whereas*, the operation of said law allows any person in the Southern States to go into any court, or before any Justice of the Peace, or any other person authorized to take depositions in any State or organized Territory of the United States, and swear that any colored person owes him or her service or labor, and has escaped therefrom, and may take out a warrant for the arrest of such person in any United States Court, in any State or Territory, and seize such person, with or without a warrant, and command the assistance of bystanders to make the arrest—

*And whereas*, any person so arrested may be taken before any United States Court in any State or Territory of the United States, and deprived of his or her liberty in a summary manner, by any Judge, Justice, or Commissioner of the United States—

*And whereas*, any person so arrested and tried, is stripped of the right of trial by jury, deprived of the writ of *habeas corpus*, contrary to the provisions of the Constitution of the United States—

*And whereas*, any white person may seize and arrest any colored person, and drag him or her by violence before any United States Judge, Justice or Commissioner, and swear away the liberty of any person so arrested—

*And whereas*, any person assisting another to escape, either before



or after trial, or is known to conceal a person claimed as a slave, is subject to a fine of one thousand dollars; and thus, in every possible way, placing the liberty of colored persons in every State or Territory of this Union completely at the mercy of slaveholders or their agents, with every safeguard of liberty stricken down—Therefore,

1. *Resolved*, That we utterly repudiate the law and its provisions; that it is so repugnant to every principle of justice, that it can have no binding force whatever upon us; and that we do here, in the sight of God and before all men, declare, that should any one attempt to execute its provisions on any one of us, either by invading our homes or arresting us in the street, we will treat such an one as assaulting our persons with intent to kill, and, God being our helper, will use such means as will repel the aggressor, and defend our lives and liberty.

2. *Resolved*, That we are worthy neither of our homes nor of the confidence of our wives and children, unless we are prepared to sacrifice ourselves freely, if necessary, on the altar of freedom and in their defence.

3. *Resolved*, That the teachings and examples of our countrymen, the promptings of our nature as men, as well as our duty towards God, tell us, that whenever the unjust provisions of this law against God and humanity shall be attempted to be enforced against either of us, it were far better that a thousand lives perish in the rescue, than that a single human being be permitted to be dragged from our midst into hopeless bondage; and that we desire no grave prouder than that over which shall stand the monument, and no page of history prouder than that which shall second the deed, of such rescue.

4. *Resolved*, That it has ever been our aim and earnest desire to be good law-abiding citizens, and that we will strive such to be; nevertheless, we cannot for one moment entertain the idea of compliance with the terms of that bill, its force being lost in the fact that it is at variance with the laws of our nature and of God; and further, because we believe it to be at variance with the spirit and letter of our Declaration of Independence, and of the Constitution established under that Declaration.

5. *Resolved*, That the provisions of the Fugitive Slave Bill of 1850, leaving us no other alternative, we must adopt the motto of our sister State, Virginia—"Resistance to tyrants is obedience to God."

6. *Resolved*, That we declare to Mason, and the aiders and abettors of this arbitrary and despotic law, in the language of Daniel Webster, "that there is something on earth greater than arbitrary and despotic power; the lightning has its power, and the whirlwind has its power, and the earthquake has its power—but there is something among men more capable of shaking despotic power than lightning, whirlwind or earthquake—that is the threatened indignation of the civilized world."

7. *Resolved*, That "God willed us free—man willed us slaves. We will, as God will; God's will be done."

8. *Resolved*, That inasmuch as desperate efforts are being made to

reclaim fugitives who have fled for liberty—to reclaim them at all costs—we, sympathizing with such fugitives, and believing that they would be justified therein by the promptings of nature, by the precepts of Patrick Henry and of Washington, by the glorious example of Madison and Washington, do council them to do as we would—to arm themselves with the surest and most deadly weapons; to resist unto death, for which, if they be not prepared, we advise them to repair, with all possible dispatch, to where the law, as well as nature, proclaims them free.

9. *Resolved*, That in giving ten millions of dollars to the South, for land which the South never owned—in promising to pay one thousand dollars each to the South, for every bondman who may escape therefrom—in converting her once free soil into a hunting-ground for the panting fugitive, and in offering to her own citizens a bribe on the one hand to join in the chase, and fine and imprisonment on the other hand for refusing to do so, the once free North has sold herself, body and soul, to the dark spirit of slavery; and has, through her chosen President and subservient members of Congress, declared, “in tones that will pierce the ears of half the human race, that the last great experiment of representative government has failed,” and has “caused millions of eyes of those who fed their inherent love of liberty upon the success and prosperity of the American example, to turn away from our deep disgrace, with dissatisfaction and disgust; and has caused the doctrine of the divine right of kings to feel, even in its grave, a returning sensation of vitality and resuscitation.”

10. *Resolved*, That we call upon all American citizens, who have any regard for constitutional law, or any reverence for the history of our glorious past, or any pride in our national reputation abroad, to join in the cry of repeal—repeal the infamous bill, which barter the life and liberty of a freeman for the oath of any wretch who may swear that he is a slave.

11. *Resolved*, That we will circulate petitions to the Legislature of this State, calling for a law to protect its free colored citizens from slavery; and for resolutions instructing the members of Congress to urge the repeal of the Fugitive Slave Bill.

12. *Resolved*, That we will send petitions to Congress, praying for the repeal of the Fugitive Slave Bill of 1850.

13. *Resolved*, That, actuated by nothing other than pure humanity, in attempting to carry out these resolutions whenever necessity requires them, we will further endeavor to infuse their healthful spirit into the minds and hearts of our fellow-citizens.

14. *Resolved*, That the President of this meeting be appointed to receive the names of all persons who may be willing to act on the Secret Committee; and all persons who are fugitive to report themselves to the Chairman of the meeting, who must have their real name, and the name of their master, in order that the Secret Committee may know what to do in the premises.

The resolutions were sustained in spirited speeches by Messrs. George T. Downing, John S. Jacobs, Rev. Charles Gardner, Jacob

Russell, Junius C. Morrell, St. de Remy, Benjamin Stanley, and Edward V. Clarke. The speakers were much applauded. At the close Rev. Charles B. Ray came in and announced that the sum of \$800 had been raised (the first hundred of which was given by a colored man, ISAAC HOLLENBECK,) to redeem Hamlet from bondage. At this information great cheering took place, and soon after, the meeting adjourned, it being then near midnight.

### RESTORATION OF JAMES HAMLET.

The sum of eight hundred dollars having been subscribed in this city and neighborhood, (\$100 by a colored man, Isaac Hollenbeck,) a benevolent individual kindly volunteered to go to Baltimore, redeem James Hamlet, and accompany him back to New-York. He went in fetters, but returned a free man.

A great demonstration was made in the Park, on Saturday, the 5th October, on the arrival of Mr. Hamlet. Four or five thousand citizens, white and colored, assembled at noon, to welcome him back to his family and chosen residence. Mr. JOHN P. THOMPSON was called to the chair. Addresses were made by Messrs John J. Raymond, Robert Hamilton, Charles B. Ray, and Wm. P. Powell. Much joy and enthusiasm was manifested. The speakers were heard with the deepest attention, and were frequently cheered while depicting the unjust and cruel privations to which the people of color are subjected in this boasted land of liberty, and in being obliged to seek shelter from persecution and slavery under a monarchical government, which once oppressed this nation, and now affords an asylum to its citizens fleeing from the oppression of the government of the model Republic! Hamlet stood at the right of the chairman, and tears ran down his cheeks while the speakers described the horrors of slavery. The following resolutions were passed, when the ransomed MAN was escorted to his home, amidst great cheering, shouting and rejoicing.

*Whereas*, pursuant to the passage of the unconstitutional law enacted by Congress at its last session, James Hamlet, a citizen of Williamburgh, was arrested and sent into slavery in Maryland, without due proofs of law; and

*Whereas*, through the generous contributions of kind friends of this city, the freedom of James Hamlet was purchased for eight hundred dollars, and he is now restored to the bosom of his family; therefore

*Resolved*, That we hail with joy this hour, not only because it restores to us our brother, whom we had given up as lost to the partner of his bosom—lost to his children and home—lost to friends and society—lost to all church privileges, and every thing which illumines our pathway to the tomb—but because we believe it to be the beginning of the time of our complete enfranchisement.

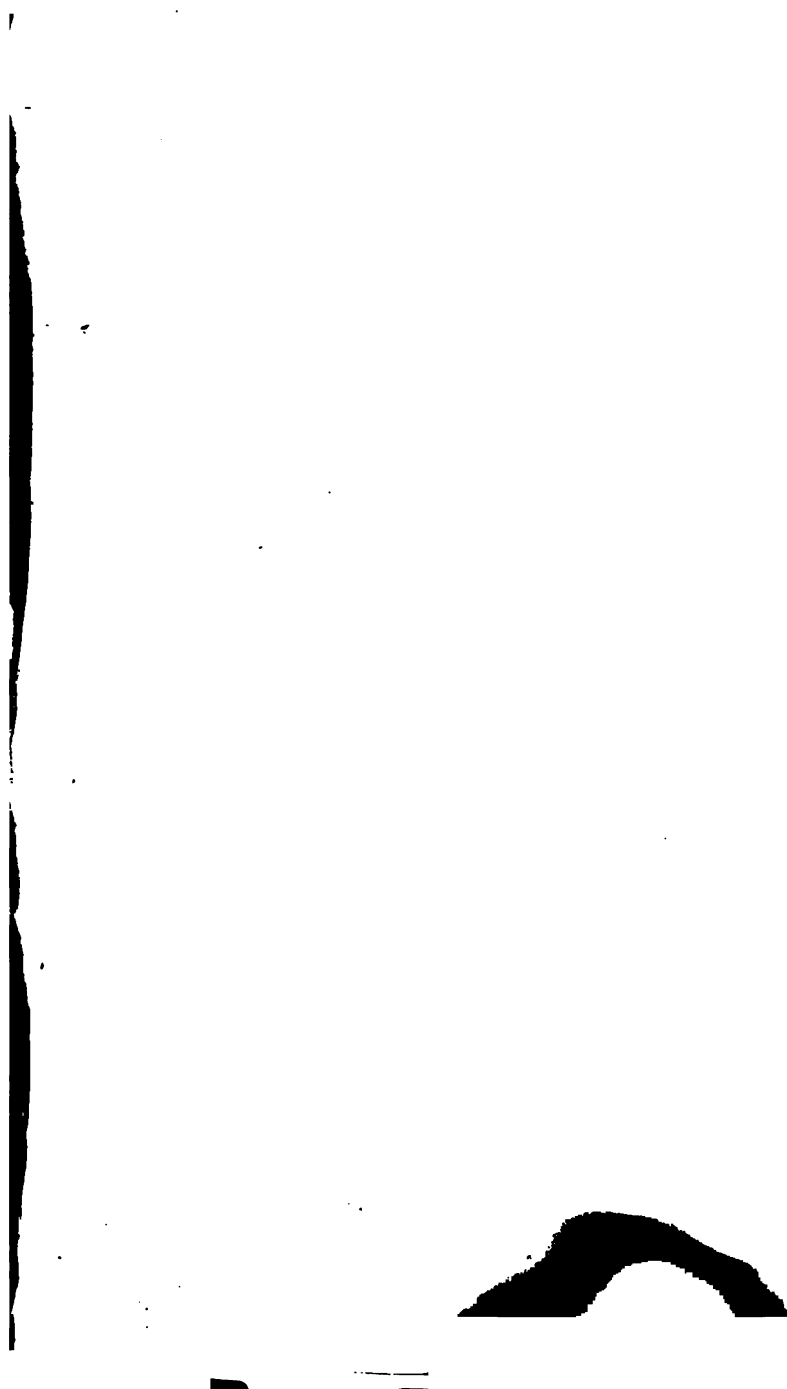
*Resolved*, That we render a thousand thanks to those noble men who have so generously contributed to the emancipation of James Hamlet, and we invoke upon them the blessings of the God of the oppressed.

JOHN P. THOMPSON, President.

|                |                    |
|----------------|--------------------|
| ALBRO LYONS,   | } Vice Presidents. |
| J. M. SMITH,   |                    |
| L. NAPOLEON,   |                    |
| WM. C. INNERS, |                    |

WM. P. POWELL, Secretary.

John A. Gray, Printer, 79 Fulton, cor. of Gold street.















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